

41-1a-101. Short title.

This chapter is known as the "Motor Vehicle Act."

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-102 (Superseded 01/01/15). Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" has the same meaning provided in Section 41-22-2.
- (4) "All-terrain type II vehicle" has the same meaning provided in Section 41-22-2.
- (5) "Amateur radio operator" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.
- (6) "Branded title" means a title certificate that is labeled:
 - (a) rebuilt and restored to operation;
 - (b) flooded and restored to operation; or
 - (c) not restored to operation.
- (7) "Camper" means any structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.
- (8) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.
- (9) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.
- (10) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:
 - (a) as a carrier for hire, compensation, or profit; or
 - (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.
- (11) "Commission" means the State Tax Commission.
- (12) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.
- (13) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
- (14) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which

would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(15) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(16) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for his own use in the transportation of:

(i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;

(ii) farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and

(iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.

(b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.

(17) "Fleet" means one or more commercial vehicles.

(18) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

(19) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

(20) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.

(21) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.

(22) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

(23) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

(b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.

(24) "Interstate vehicle" means any commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

(25) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(26) "Lienholder" means a person with a security interest in particular property.

(27) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and

Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(28) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

(29) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

(30) "Motorboat" has the same meaning as provided in Section 73-18-2.

(31) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

(32) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

(b) "Motor vehicle" does not include an off-highway vehicle.

(33) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains any vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

(34) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

(35) "Off-highway implement of husbandry" has the same meaning as provided in Section 41-22-2.

(36) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

(37) "Operate" means to drive or be in actual physical control of a vehicle or to navigate a vessel.

(38) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.

(39) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

(b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the

owner for the purposes of this chapter.

(c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises his option to purchase the vehicle.

(40) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.

(41) (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

(b) "Pickup truck" includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.

(42) "Pneumatic tire" means every tire in which compressed air is designed to support the load.

(43) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(44) "Public garage" means every building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

(45) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.

(46) "Reconstructed vehicle" means every vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(47) "Recreational vehicle" has the same meaning as provided in Section 13-14-102.

(48) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.

(49) (a) "Registration year" means a 12 consecutive month period commencing with the completion of all applicable registration criteria.

(b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.

(50) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.

(51) "Replica vehicle" means:

(a) a street rod that meets the requirements under Subsection 41-21-1(1)(a)(i)(B); or

(b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).

(52) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.

(53) "Sailboat" has the same meaning as provided in Section 73-18-2.

(54) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.

(55) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.

(56) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418.

(57) (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:

- (i) 20 years or older from the current year; or
- (ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

(b) In making his determination under Subsection (57)(a), the division director shall give special consideration to:

- (i) a make of motor vehicle that is no longer manufactured;
- (ii) a make or model of motor vehicle produced in limited or token quantities;
- (iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or
- (iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

(58) (a) "Special mobile equipment" means every vehicle:

- (i) not designed or used primarily for the transportation of persons or property;
- (ii) not designed to operate in traffic; and
- (iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

- (i) farm tractors;
- (ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- (iii) ditch-digging apparatus.

(c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.

(59) "Specially constructed vehicle" means every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.

(60) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

(61) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

(b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles"

means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.

(62) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(63) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.

(64) "Transferor" means a person who transfers his ownership in property by sale, gift, or any other means except by creation of a security interest.

(65) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

(66) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

(67) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, manufactured home, and mobile home.

(68) "Vessel" has the same meaning as provided in Section 73-18-2.

(69) "Vintage vehicle" has the same meaning as provided in Section 41-21-1.

(70) "Waters of this state" has the same meaning as provided in Section 73-18-2.

(71) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

Amended by Chapter 266, 2013 General Session

41-1a-103. Commission to administer chapter.

The commission shall administer and enforce this chapter.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-104. Commission powers.

The commission may:

- (1) enter into agreements with other jurisdictions:
 - (a) relating to proportional registration to facilitate administration;
 - (b) for the exchange of information for audit and enforcement activities; and
 - (c) for cooperation with other jurisdictions;
- (2) confer and advise with the proper officers, officials, and legislative bodies of other jurisdictions to promote agreements under which the registration of vehicles owned in this state is recognized by the other jurisdictions;
- (3) make and enforce rules necessary to effectuate this chapter; and
- (4) adopt an official seal for the use of the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-105. Commission to create forms.

The commission shall prescribe and provide suitable forms of applications, certificates of title, registration cards, and all other forms necessary to carry out the provisions of this chapter.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-106. Division created.

There is created within the commission the Motor Vehicle Division with the duties and powers provided in Sections 41-1a-107 through 41-1a-119.

Enacted by Chapter 1, 1992 General Session

41-1a-107. Commission, division, and officers to enforce chapter -- Duties.

The commission and the officers and inspectors of the division designated by the commission, peace officers, and others authorized by the division or by law shall:

- (1) enforce the provisions of this chapter and of all other laws regulating the registration of motor vehicles, trailers, or semitrailers; and
- (2) inspect any motor vehicle, trailer, or semitrailer of a type required to be registered in any public garage or repair shop or in any place where the motor vehicle, trailer, or semitrailer is held for sale or wrecking, for the purpose of locating and investigating the title and registration of stolen motor vehicles, trailers, and semitrailers.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-108. Division inspection of applications for registration, certificate of title, or license plate.

(1) The division shall examine and determine the genuineness, regularity, and legality of each application for:

- (a) registration of a vehicle;
- (b) a certificate of title for a vehicle, vessel, or outboard motor;
- (c) license plates; and
- (d) any other request lawfully made to the division.

(2) The division may investigate or require additional information on any application or request necessary to implement this chapter.

(3) When the division is satisfied as to the genuineness, regularity, and legality of an application and that the applicant is entitled to register the vehicle and to the issuance of a certificate of title, the division shall register the vehicle, issue a certificate of title and issue license plates.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-109. Grounds for division refusing registration or certificate of title.

(1) The division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

- (a) the application contains any false or fraudulent statement;

- (b) the applicant has failed to furnish required information or reasonable additional information requested by the division;
 - (c) the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;
 - (d) the division has reasonable grounds to believe that the vehicle is a stolen vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle;
 - (e) the registration of the vehicle is suspended or revoked for any reason provided in the motor vehicle laws of this state; or
 - (f) the required fees have not been paid.
- (2) The division shall also refuse registration or any transfer of registration if the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.
- (3) The division shall refuse registration or any transfer of registration of a vehicle upon notification by the Department of Transportation that the vehicle or owner is not in compliance with Title 72, Chapter 9, Motor Carrier Safety Act.
- (4) The division may not register a vehicle if the registration of the vehicle is revoked under Subsection 41-1a-110(2) until the applicant provides proof:
- (a) of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2);
 - (b) of exemption from the owner's or operator's security requirements; or
 - (c) that the applicant was not an owner of the vehicle at the time of the alleged violation or on the day following the time limit provided after the second notice under Subsection 41-12a-804(2).

Amended by Chapter 138, 2013 General Session

41-1a-110. Authority of division to suspend or revoke registration, certificate of title, license plate, or permit.

- (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration, certificate of title, license plate, or permit if:
- (a) the division is satisfied that a registration, certificate of title, license plate, or permit was fraudulently procured or erroneously issued;
 - (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
 - (c) a registered vehicle has been dismantled;
 - (d) the division determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand;
 - (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;
 - (f) the division determines that the owner has committed any offense under this chapter involving the registration, certificate of title, registration card, license plate, registration decal, or permit; or
 - (g) the division receives notification by the Department of Transportation that the owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.
- (2) (a) The division shall revoke the registration of a vehicle if the division

receives notification by the:

- (i) Department of Public Safety that a person:
 - (A) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or 41-12a-303.2; or
 - (B) is under an administrative action taken by the Department of Public Safety for operating a registered motor vehicle in violation of Section 41-12a-301; or
 - (ii) designated agent that the owner of a motor vehicle:
 - (A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or
 - (B) provided a false or fraudulent statement to the designated agent.
- (b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A).
- (3) The division may not suspend or revoke the registration of a vessel or outboard motor unless authorized under Section 73-18-7.3.
- (4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized under Section 41-22-17.
- (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if the registration is revoked under Subsection (1)(f).

Amended by Chapter 322, 2008 General Session

41-1a-111. Cancellation, suspension, or revocation of registration -- Return of registration items.

If the division cancels, suspends, or revokes a registration, certificate of title, license plate, or permit under this chapter, the owner or person in possession of it shall immediately return the canceled, suspended, or revoked item to the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-112. Authority to administer oaths.

Officers and employees of the division designated by the commission for the purpose of administering the motor vehicle laws may administer oaths and acknowledge signatures and shall do so without fee.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-113. Power to summon witnesses and take testimony -- Service of summons -- Witness fees -- Failure to appear.

- (1) The commission and officers of the division designated by the commission may summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the division.
- (2) The summons may require the production of relevant books, papers, or records.
- (3) Every summons shall be served at least five days before the return date, either by personal service made by any person over 18 years of age or by registered mail, but return acknowledgment is required to prove the latter service.

(4) The fees for the attendance and travel of witnesses are the same as for witnesses before the district court.

(5) Failure to obey a summons served is a class C misdemeanor.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-114. Method of giving notice.

(1) If the division is required to give any notice under this chapter or other law regulating the operation of vehicles, vessels, and outboard motors, unless a different method of giving the notice is expressly prescribed, the notice shall be given either by:

(a) personal delivery to the person to be notified; or

(b) deposit in the United States mail of the notice in an envelope with postage prepaid, addressed to the person at the address shown by the records of the division.

(2) Notice by mail is complete upon the expiration of four days after deposit of the notice.

(3) Proof of the giving of notice in either manner specified in Subsection (1) may be made by the certificate of any officer or employee of the division or affidavit of any person over 18 years of age, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-115. Division records -- Copies.

(1) The division shall file each application received.

(2) The division shall keep a record of each registration on a calendar year basis as follows:

(a) under a distinctive registration number assigned to the vehicle, vessel, or outboard motor;

(b) alphabetically, under the name of the owner of the vehicle, vessel, or outboard motor;

(c) under the identification number of the vehicle, vessel, or outboard motor; and

(d) in any manner the division finds desirable for compiling statistical information or of comparative value for use in determining registration fees in future years.

(3) (a) The division shall maintain a current record of each certificate of title it issues.

(b) (i) The division shall file and retain every surrendered certificate of title and every application for title to permit the tracing of title of the vehicles designated in them.

(ii) The retention period for division records shall be set by the Division of Archives and Records Service in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(4) (a) The commission and officers of the division the commission designates may prepare under the seal of the division and deliver upon request a certified copy of any record of the division, including microfilmed records, charging a fee, determined by the commission pursuant to Section 63J-1-504, for each document authenticated.

(b) The application shall include the requested information to identify the applicant.

(c) Each certified copy is admissible in any proceeding in any court in the same manner as the original.

(5) The division shall comply with Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 183, 2009 General Session

41-1a-116. Records -- Access to records -- Fees.

(1) (a) All motor vehicle title and registration records of the division are protected unless the division determines based upon a written request by the subject of the record that the record is public.

(b) In addition to the provisions of this section, access to all division records is permitted for all purposes described in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

(2) (a) Access to public records is determined by Section 63G-2-201.

(b) A record designated as public under Subsection (1)(a) may be used for advertising or solicitation purposes.

(3) Access to protected records, except as provided in Subsection (4), is determined by Section 63G-2-202.

(4) (a) In addition to those persons granted access to protected records under Section 63G-2-202, the division shall disclose a protected record to a licensed private investigator, holding a valid agency or registrant license, with a legitimate business need, a person with a bona fide security interest, or the owner of a mobile home park subject to Subsection (5), only upon receipt of a signed acknowledgment that the person receiving that protected record may not:

(i) resell or disclose information from that record to any other person except as permitted in the federal Driver's Privacy Protection Act of 1994; or

(ii) use information from that record for advertising or solicitation purposes.

(b) A legitimate business need under Subsection (4)(a) does not include the collection of a debt.

(5) The division may disclose the name or address, or both, of the lienholder or mobile home owner of record, or both of them, to the owner of a mobile home park, if all of the following conditions are met:

(a) a mobile home located within the mobile home park owner's park has been abandoned under Section 57-16-13 or the resident is in default under the resident's lease;

(b) the mobile home park owner has conducted a reasonable search, but is unable to determine the name or address, or both, of the lienholder or mobile home owner of record; and

(c) the mobile home park owner has submitted a written statement to the division explaining the mobile home park owner's efforts to determine the name or address, or both, of the lienholder or mobile home owner of record before the mobile home park owner contacted the division.

(6) The division may provide protected information to a statistic gathering entity under Subsection (4) only in summary form.

(7) A person allowed access to protected records under Subsection (4) may

request motor vehicle title or registration information from the division regarding any person, entity, or motor vehicle by submitting a written application on a form provided by the division.

(8) If a person regularly requests information for business purposes, the division may by rule allow the information requests to be made by telephone and fees as required under Subsection (9) charged to a division billing account to facilitate division service. The rules shall require that the:

(a) division determine if the nature of the business and the volume of requests merit the dissemination of the information by telephone;

(b) division determine if the credit rating of the requesting party justifies providing a billing account; and

(c) requestor submit to the division an application that includes names and signatures of persons authorized to request information by telephone and charge the fees to the billing account.

(9) (a) The division shall charge a reasonable search fee determined under Section 63J-1-504 for the research of each record requested.

(b) Fees may not be charged for furnishing information to persons necessary for their compliance with this chapter.

(c) Law enforcement agencies have access to division records free of charge.

(10) (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

(b) A person who discovers or becomes aware of any unauthorized use of records created or maintained by the division shall inform the director of the unauthorized use.

Amended by Chapter 243, 2011 General Session

41-1a-117. Adjudicative proceedings.

The commission and the division shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative proceedings conducted under this chapter.

Amended by Chapter 382, 2008 General Session

41-1a-118. Seizure of documents and plates -- Grounds -- Receipt.

(1) The division and peace officers may take possession of any certificate of title, registration card, registration decal, permit, license plate, or any other article issued by the division:

(a) upon expiration, suspension, revocation, alteration, or cancellation of it;

(b) that is fictitious;

(c) that has been unlawfully or erroneously issued; or

(d) that is unlawfully or erroneously displayed.

(2) A receipt shall be issued for any confiscated item.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-119. Emergency procedures for collection of fees.

(1) If the commission finds that the owner or operator of a vehicle who is liable for the payment of any registration fee required by this chapter plans to depart quickly from the state, to remove the owner or operator's property from the state, to conceal the owner or operator's person or property, or do any other act tending to prejudice or render wholly or partially ineffectual proceedings to collect the registration fees, the commission shall follow the emergency procedures set forth in Title 63G, Chapter 4, Administrative Procedures Act, and declare that the registration fees are immediately due and payable.

(2) When the commission issues its emergency order, the registration fees are immediately due and payable after notice is given to the owner or operator of the vehicle.

Amended by Chapter 382, 2008 General Session

41-1a-120. Participation in Uninsured Motorist Identification Database Program.

(1) (a) Except as provided in Subsection (1)(b), the division shall provide the Department of Public Safety's designated agent, as defined in Section 41-12a-802, with a record of all current motor vehicle registrations before the seventh and twenty-first day of each calendar month.

(b) The division is not required to provide the Department of Public Safety's designated agent as defined in Section 41-12a-802 a record of current motor vehicle registrations for vehicles that are registered under Section 41-1a-221, 41-1a-222, or 41-1a-301.

(2) The division shall perform the duties specified in:

(a) Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program; and

(b) Sections 41-1a-109 and 41-1a-110.

(3) The division shall cooperate with the Department of Public Safety in making rules and developing procedures to use the Uninsured Motorist Identification Database.

Amended by Chapter 130, 2006 General Session

41-1a-121. Electronic Payment Fee Restricted Account.

(1) As used in this section, "account" means the Electronic Payment Fee Restricted Account created by this section.

(2) There is created within the General Fund a restricted account known as the Electronic Payment Fee Restricted Account.

(3) (a) The account shall be funded from the fees imposed and collected under Sections 41-1a-1221, 41-3-604, 41-22-36, and 73-18-25.

(b) The fees described in Subsection (3)(a) shall be paid to the division, which shall deposit them in the account.

(4) The Legislature shall appropriate the funds in the account to the commission to cover the costs of electronic payments.

(5) In accordance with Section 63J-1-602.2, appropriations made to the division from the account are nonlapsing.

Enacted by Chapter 189, 2011 General Session

41-1a-201 (Superseded 01/01/15). Function of registration -- Registration required.

Unless exempted, a person may not operate and an owner may not give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off-highway vehicle, or vessel in this state unless it has been registered in accordance with this chapter, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of vehicles after establishing residency.

(1) In this section:

(a) "Domicile" means the place:

(i) where an individual has a fixed permanent home and principal establishment;

(ii) to which the individual if absent, intends to return; and

(iii) in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.

(b) (i) "Resident" means any of the following:

(A) an individual who:

(I) has established a domicile in this state;

(II) regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

(III) engages in a trade, profession, or occupation in this state or who accepts employment in other than seasonal work in this state and who does not commute into the state;

(IV) declares himself to be a resident of this state for the purpose of obtaining a driver license or motor vehicle registration; or

(V) declares himself a resident of Utah to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees; or

(B) any individual, partnership, limited liability company, firm, corporation, association, or other entity that:

(I) maintains a main office, branch office, or warehouse facility in this state and that bases and operates a motor vehicle in this state; or

(II) operates a motor vehicle in intrastate transportation for other than seasonal work.

(ii) "Resident" does not include any of the following:

- (A) a member of the military temporarily stationed in Utah;
- (B) an out-of-state student, as classified by the institution of higher education, enrolled with the equivalent of seven or more quarter hours, regardless of whether the student engages in a trade, profession, or occupation in this state or accepts employment in this state; and
- (C) an individual domiciled in another state or a foreign country that:
 - (I) is engaged in public, charitable, educational, or religious services for a government agency or an organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3);
 - (II) is not compensated for services rendered other than expense reimbursements; and
 - (III) is temporarily in Utah for a period not to exceed 24 months.
- (2) Registration under this chapter is not required for any:
 - (a) vehicle registered in another state and owned by a nonresident of the state or operating under a temporary registration permit issued by the division or a dealer authorized by this chapter, driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;
 - (b) vehicle driven or moved upon a highway only for the purpose of crossing the highway from one property to another;
 - (c) implement of husbandry, whether of a type otherwise subject to registration or not, that is only incidentally operated or moved upon a highway;
 - (d) special mobile equipment;
 - (e) vehicle owned or leased by the federal government;
 - (f) motor vehicle not designed, used, or maintained for the transportation of passengers for hire or for the transportation of property if the motor vehicle is registered in another state and is owned and operated by a nonresident of this state;
 - (g) vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less;
 - (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or person;
 - (i) manufactured home or mobile home;
 - (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway vehicle is:
 - (i) being towed;
 - (ii) operated on a street or highway designated as open to off-highway vehicle use; or
 - (iii) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);
 - (k) off-highway implement of husbandry operated in the manner prescribed in Subsections 41-22-5.5(3) through (5);
 - (l) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;

- (m) electric assisted bicycle defined under Section 41-6a-102;
 - (n) motor assisted scooter defined under Section 41-6a-102; or
 - (o) electric personal assistive mobility device defined under Section 41-6a-102.
- (3) Unless otherwise exempted under Subsection (2), registration under this chapter is required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle within 60 days of the owner establishing residency in this state.
- (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the registration requirements of this part for the time period that the registration under Section 41-3-306 is valid.
- (5) A vehicle that has been issued a nonrepairable certificate may not be registered under this chapter.

Amended by Chapter 463, 2013 General Session

41-1a-203. Prerequisites for registration, transfer of ownership, or registration renewal.

- (1) Except as otherwise provided, prior to registration of a vehicle, an owner shall:
- (a) obtain an identification number inspection under Section 41-1a-204;
 - (b) obtain a safety inspection certificate, if required in the current year, as provided under Sections 41-1a-205 and 53-8-205;
 - (c) obtain a certificate of emissions inspection, if required in the current year, as provided under Section 41-6a-1642;
 - (d) pay property taxes, the in lieu fee, or receive a property tax clearance under Section 41-1a-206 or 41-1a-207;
 - (e) pay the automobile driver education tax required by Section 41-1a-208;
 - (f) pay the applicable registration fee under Part 12, Fee and Tax Requirements;
 - (g) pay the uninsured motorist identification fee under Section 41-1a-1218, if applicable;
 - (h) pay the motor carrier fee under Section 41-1a-1219, if applicable;
 - (i) pay any applicable local emissions compliance fee under Section 41-1a-1223; and
 - (j) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.
- (2) In addition to the requirements in Subsection (1), an owner whose vehicle has not been previously registered or that is currently registered under a previous owner's name shall also apply for a valid certificate of title in the owner's name prior to registration.
- (3) A new registration, transfer of ownership, or registration renewal under Section 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.
- (4) A new registration, transfer of ownership, or registration renewal under Section 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

Amended by Chapter 295, 2010 General Session

41-1a-204 (Superseded 01/01/15). Identification number inspection.

An application for first registration in this state of any vehicle may not be accepted by the division unless the identification number of that vehicle, other than new vehicles sold by dealers licensed in this state, has been inspected by a qualified identification number inspector under Part 8, Identification Numbers.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-205. Safety inspection certificate required for renewal or registration of motor vehicle -- Exemptions.

(1) If required in the current year, a safety inspection certificate, as required by Section 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as a condition of, registration or renewal of registration of a motor vehicle.

(2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection required under this section may be made no more than two months prior to the renewal of registration.

(b) (i) If the title of a used motor vehicle is being transferred, a safety inspection certificate issued for the motor vehicle during the previous 11 months may be used to satisfy the requirement under Subsection (1).

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months may be used to satisfy the requirement under Subsection (1).

(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a safety inspection certificate issued during the previous 11 months may be used to satisfy the requirement under Subsection (1).

(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection required under this section may be made no more than 11 months prior to the renewal of registration.

(e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, a safety inspection certificate issued during the previous eight months may be used to satisfy the requirement under Subsection (1).

(3) (a) The following motor vehicles are exempt from this section:

(i) except as provided in Subsection (3)(b), a new motor vehicle when registered the first time, if:

(A) a new car predelivery inspection has been made by a dealer;

(B) the dealer provides a written disclosure statement listing any known deficiency, existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle to fail a safety inspection given in accordance with Section 53-8-205; and

(C) the buyer signs the disclosure statement to acknowledge that the buyer has read and understands the listed deficiencies;

(ii) a motor vehicle required to be registered under this chapter that bears a

dealer plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except that if the motor vehicle is propelled by its own power and is not being moved for repair or dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe mechanical condition; and

(iii) a vintage vehicle as defined in Section 41-21-1.

(b) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection:

(i) the first time that a person registers an off-highway vehicle as a street-legal all-terrain vehicle; and

(ii) subsequently, on the same frequency as described in Subsection 53-8-205(2) based on the age of the vehicle as determined by the model year identified by the manufacturer.

(4) (a) A safety inspection certificate shall be displayed on:

(i) all registered commercial motor vehicles with a gross vehicle weight rating of 26,000 pounds or more;

(ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;

(iii) a combination unit; and

(iv) a bus or van for hire.

(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of Subsection (1).

(5) A motor vehicle may be sold and the title assigned to the new owner without a valid safety inspection, but the motor vehicle may not be registered in the new owner's name until the motor vehicle complies with this section.

Amended by Chapter 229, 2014 General Session

41-1a-206. Payment of property taxes or in lieu fees before registration.

(1) Except as provided in Subsection (2), the division before issuing any registration shall require from every applicant for the registration a certificate from the county assessor in which the vehicle has situs for taxation that:

(a) the property tax or in lieu fee on the vehicle for the current registration period has been paid;

(b) in the assessor's opinion the tax or in lieu fee is a lien on real property sufficient to secure the payment of the tax; or

(c) the vehicle is exempt by law from payment of property tax or the in lieu fee for the current registration period.

(2) The requirements of Subsection (1) do not apply to the registration of ambulances, peace officer patrol vehicles, fire engines, passenger cars and trucks owned and used by the United States government or by the state of Utah or by any of its political subdivisions, and motor vehicles assessed by the commission under Section 59-2-201.

Amended by Chapter 164, 2006 General Session

41-1a-207. Vehicles assessed by commission.

If the vehicle is assessed by the commission under Section 59-2-201, the commission before issuing a registration shall be satisfied that the:

- (1) property tax or in lieu fee on the vehicle has been paid;
- (2) vehicle is exempt from the payment of the tax or in lieu fee; or
- (3) tax or in lieu fee is secured by a lien on real estate or by a bond.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-208. Payment of automobile driver education tax prerequisite to registration of motor vehicle.

(1) The collection and payment of the automobile driver education tax is a prerequisite to the registration of any motor vehicle.

(2) Except as provided under Subsection (3), the automobile driver education tax accrues and is collectible upon each motor vehicle, subject to the same exemptions, and payable in the same manner and time as motor vehicle registration fees under Section 41-1a-1206.

(3) The automobile driver education tax:

- (a) shall be paid in full at the time the motor vehicle is registered; and
- (b) is not collectible or payable upon the transfers of registration, issuance, reissuance of certificates of registration, titles, or plates contemplated by Sections 41-1a-301, 41-1a-1207, 41-1a-1210, and 41-1a-1211.

Amended by Chapter 164, 2006 General Session

41-1a-209. Application for registration -- Contents.

(1) An owner of a vehicle subject to registration under this part shall apply to the division for registration on forms furnished by the division.

(2) The application for registration shall include:

- (a) the signature of an owner of the vehicle to be registered;
- (b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;
- (c) a description of the vehicle including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, and the identification number of the vehicle; and
- (d) other information required by the division to enable it to determine whether the owner is lawfully entitled to register the vehicle.

Amended by Chapter 47, 2005 General Session

41-1a-210. Examination of registration records and indices of stolen and recovered vehicles.

The division upon receiving application for original registration of a vehicle shall first check the identification number shown in the application against the indices of registered vehicles and against indices of stolen and recovered vehicles.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-210.5. Driver license required on new registrations.

The division, before issuing any new registration on the sale of a vehicle not sold by a vehicle dealer, shall require the applicant or person making the application to show proof that the applicant or person making the application has a valid driver license.

Enacted by Chapter 242, 2001 General Session

41-1a-211. Temporary permits -- Other laws applied.

- (1) (a) The division may grant a temporary permit to operate a vehicle for which:
- (i) application for registration has been made, or, in the case of a newly purchased vehicle, will be made;
 - (ii) evidence of ownership is provided; and
 - (iii) the proper fees have been paid.
- (b) The temporary permit allows the vehicle to be operated pending complete registration by displaying:
- (i) the temporary permit; or
 - (ii) other evidence of the application under rules made by the commission.
- (2) If a vehicle is operated on a temporary permit issued under this section or Section 41-3-302, that vehicle is subject to all other statutes, rules, and regulations intended to control the use and operation of vehicles on the highways.

Amended by Chapter 125, 1998 General Session

41-1a-212. Division to issue registration card.

The division upon registering a vehicle shall issue a registration card.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-213. Contents of registration cards.

- (1) The registration card shall be delivered to the owner and shall contain:
- (a) the date issued;
 - (b) the name of the owner;
 - (c) a description of the vehicle registered including the year, the make, the identification number, and the license plate assigned to the vehicle;
 - (d) the expiration date; and
 - (e) other information as determined by the commission.
- (2) If a vehicle is leased for a period in excess of 45 days, the registration shall contain:
- (a) the owner's name; and
 - (b) the name of the lessee.
- (3) On all vehicles registered under Subsections 41-1a-1206(1)(d) and (1)(e), the registration card shall also contain the gross laden weight as given in the application for registration.
- (4) (a) Except as provided in Subsection (4)(b), a new registration card issued by the commission on or after November 1, 2013, may not display the address of the owner or the lessee on the registration card.

(b) A new registration card issued by the commission for a vehicle registered under Section 41-1a-301 shall display the address of the owner or the lessee on the registration card.

Amended by Chapter 91, 2013 General Session

41-1a-214. Registration card to be signed, carried, and exhibited.

(1) A registration card shall be signed by the owner in ink in the space provided.
(2) A registration card shall be carried at all times in the vehicle to which it was issued.

(3) The person driving or in control of a vehicle shall display the registration card upon demand of a peace officer or any officer or employee of the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-215. Staggered registration dates -- Exceptions.

(1) (a) Except as provided under Subsections (2) and (3), every vehicle registration, every registration card, and every registration plate issued under this chapter for the first registration of the vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.

(b) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.

(2) The provisions of Subsection (1) do not apply to the following:

- (a) registration issued to government vehicles under Section 41-1a-221;
- (b) registration issued to apportioned vehicles under Section 41-1a-301;
- (c) multiyear registration issued under Section 41-1a-222;
- (d) lifetime trailer registration issued under Section 41-1a-1206;
- (e) partial year registration issued under Section 41-1a-1207;
- (f) a six-month registration issued under Section 41-1a-215.5; or
- (g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter under Title 41, Chapter 3, Part 5, Special Dealer License Plates.

(3) (a) Upon application of the owner or lessee of a fleet of commercial vehicles not apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of March, June, September, or December of any year and expiring on the last day of March, June, September, or December in the following year.

(b) Upon application of the owner or lessee of a fleet of commercial vehicles apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of January, April, July, or October of any year and expiring on the last day of March, June, September, or December in the following year.

(4) When the expiration of a registration plate is extended by affixing a registration decal to it, the expiration of the decal governs the expiration date of the plate.

Amended by Chapter 397, 2012 General Session

41-1a-215.5. Six-month registration.

(1) (a) Subject to the requirements of this section, a person may register a motorcycle or motor vehicle of 12,000 pounds or less gross laden weight for a six-month period that begins on the first day of the calendar month of registration and expires on the last day of the sixth month of registration.

(b) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.

(2) A registration under this section is subject to this chapter.

(3) The option to register a motorcycle or motor vehicle under this section shall be available to a person when the division:

(a) has implemented the division's GenTax system; and

(b) at least 30 days before implementing the division's GenTax system as described in Subsection (3)(a), has provided notice in a conspicuous place on the division's website stating:

(i) the date the commission will implement the GenTax system; and

(ii) that, at the time the commission implements the GenTax system, the option to register a motorcycle or motor vehicle for a six-month registration period will be available.

Amended by Chapter 397, 2012 General Session

41-1a-216. Renewal of registration.

(1) The division may receive applications for registration renewal and issue new registration cards at any time prior to the expiration of the registration, subject to the availability of renewal materials.

(2) (a) Except as provided in Subsections (2)(c) and (3), the new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.

(b) Except as provided in Subsection (2)(c), the year of registration expiration shall be changed to reflect the renewed registration period.

(c) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the new registration shall be for a six-month registration period that begins with the first day of the calendar month following the last day of the expiration month of the previous registration period as recorded on the original registration even if the registration has expired.

(3) Subsection (2) does not apply if the owner can verify to the satisfaction of the division that the vehicle registration was not renewed prior to its expiration due to the fact that the vehicle was in storage, inoperable, or otherwise out of service.

(4) If the registration renewal application is an application generated by the division through its automated system, the owner need not surrender the last registration card or duplicate.

Amended by Chapter 397, 2012 General Session

41-1a-217. Application for renewal of registration.

(1) Renewal of a vehicle registration shall be made by the owner upon application and by payment of the fees or taxes required under Subsection 41-1a-203(1).

(2) The application for registration renewal and applicable fees or taxes shall be accompanied by a:

- (a) safety inspection certificate as required under Section 41-1a-205; and
- (b) certificate of emissions inspection as required under Section 41-6a-1642.

(3) The new registration card issued shall show:

- (a) the identical information with respect to the owner and the vehicle description required by Section 41-1a-213; and
- (b) the new expiration date.

Amended by Chapter 2, 2005 General Session

41-1a-218. Notice of change of address.

If a person after making application for or obtaining a vehicle registration moves from the address named in the application, the person shall within 10 days of moving notify the division of his old and new addresses.

Amended by Chapter 91, 2013 General Session

41-1a-219. Change of name -- New registration.

(1) If the name of any person who has applied for or obtained the registration of a vehicle is changed the person shall surrender the last registration card and file an application for a new registration card.

(2) The division upon receipt of the required fees shall issue a new registration card.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-220. Lost or damaged registration card.

If a registration card is lost, mutilated, or becomes illegible the owner of the vehicle for which the registration card was issued, as shown by the records of the division, shall immediately:

- (1) apply for a duplicate;
- (2) furnish the information satisfactory to the division; and
- (3) pay the proper fees.

Renumbered and Amended by Chapter 1, 1992 General Session

**41-1a-221. Registration of vehicles of political subdivisions or state --
Renewal of registration -- Expiration of registration -- Certification of information
-- Failure to comply.**

(1) (a) An entity referred to in Subsection 41-1a-407(1) shall register by June 30 of each year each vehicle that it owns, operates, or leases.

(b) This section does not apply to unmarked vehicles referred to in Section 41-1a-407, which shall be registered by the expiration date on the registration card.

(2) (a) The entity shall apply to the division to renew registration pursuant to Section 41-1a-217.

(b) The division shall renew registration pursuant to Section 41-1a-216.

(3) A registration card and license plate issued to an entity under this section are in full force and effect until:

(a) the registration expires;

(b) the vehicle is no longer owned or operated by that entity; or

(c) the division takes action as provided in Subsection (6).

(4) (a) If the owner of a vehicle subject to the provisions of this section transfers or assigns title or interest in the vehicle, the registration of that vehicle expires.

(b) The transferor shall remove the license plates and within 20 days from the date of transfer forward them to the division to be destroyed.

(5) Each entity shall:

(a) account to the division annually for all "EX" license plates issued to it; and

(b) certify to the division that the information is correct.

(6) If an entity fails to comply with this section, the division may:

(a) refuse to renew the registration of its vehicles;

(b) refuse to issue it additional license plates;

(c) suspend all its vehicle registrations; and

(d) recall license plates issued to an entity refusing to comply with this section.

Amended by Chapter 238, 1999 General Session

41-1a-222. Application for multiyear registration -- Payment of taxes -- Penalties.

(1) The owner of any intrastate fleet of commercial vehicles which is based in the state may apply to the commission for registration in accordance with this section.

(a) The application shall be made on a form prescribed by the commission.

(b) Upon payment of required fees and meeting other requirements prescribed by the commission, the division shall issue, to each vehicle for which application has been made, a multiyear license plate and registration card.

(i) The license plate decal and the registration card shall bear an expiration date fixed by the division and are valid until ownership of the vehicle to which they are issued is transferred by the applicant or until the expiration date, whichever comes first.

(ii) An annual renewal application must be made by the owner if registration identification has been issued on an annual installment fee basis and the required fees must be paid on an annual basis.

(iii) License plates and registration cards issued pursuant to this section are valid for an eight-year period, commencing with the year of initial application in this state.

(c) When application for registration or renewal is made on an installment payment basis, the applicant shall submit acceptable evidence of a surety bond in a

form, and with a surety, approved by the commission and in an amount equal to the total annual fees required for all vehicles registered to the applicant in accordance with this section.

(2) Each vehicle registered as part of a fleet of commercial vehicles must be titled in the name of the fleet.

(3) Each owner who registers fleets pursuant to this section shall pay the taxes or in lieu fees otherwise due pursuant to:

- (a) Section 41-1a-206;
- (b) Section 41-1a-207;
- (c) Subsection 41-1a-301(11);
- (d) Section 59-2-405.1;
- (e) Section 59-2-405.2; or
- (f) Section 59-2-405.3.

(4) An owner who fails to comply with the provisions of this section is subject to the penalties in Section 41-1a-1301 and, if the commission so determines, will result in the loss of the privileges granted in this section.

Amended by Chapter 217, 2005 General Session

Amended by Chapter 244, 2005 General Session

41-1a-223. Registration without Utah title.

(1) (a) If the owner of a vehicle operating interstate and registered in another state desires to retain registration of the vehicle in the other state, the applicant need not surrender but shall submit for inspection evidences of out-of-state registration.

(b) The division upon a proper showing shall register the vehicle in this state.

(2) (a) If a person is relocating from another jurisdiction and establishing residence in this state, whether temporary or permanent, and that person has a vehicle registered and titled in another jurisdiction and is not able to surrender title to the vehicle being registered in Utah because title is physically held by a lienholder, the division may register the vehicle without issuing a Utah title.

(b) Notwithstanding Section 70A-9a-316, the registration of a vehicle under this section does not alter or affect the rights or security interest of any lienholder in another jurisdiction.

Amended by Chapter 252, 2000 General Session

41-1a-224. Registration of specially constructed, reconstructed, or foreign vehicles -- Surrender of foreign registration.

(1) If the vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, that fact shall be stated in the application.

(2) The owner of a foreign vehicle that has been registered outside of this state shall surrender to the division all registration cards, certificates of title, or other evidence of foreign registration in his possession or under his control, except as provided in Section 41-1a-223.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-225. Foreign vehicle compliance with federal law -- English translation -- Temporary permit.

(1) Before a vehicle with a gross vehicle weight of less than 6,000 pounds that was not originally manufactured for sale in the United States may be registered in this state, the applicant shall provide at the time of registration, a signed statement certifying that the vehicle complies with all federal laws and regulations applicable to the vehicle.

(2) If the certificate of title, manufacturer's certificate of origin, or other document purported to evidence ownership is not printed in the English language, the applicant shall obtain a certified translation of that document in the English language and provide it to the division at the time of registration.

(3) The division may issue the applicant a temporary permit, not to exceed 120 days, as provided in Section 41-1a-211, pending compliance with federal emission and safety standards.

Amended by Chapter 217, 1999 General Session

41-1a-226. Vintage vehicle -- Signed statement -- Registration certificate.

(1) The owner of a vintage vehicle applying for registration under this part shall provide a signed statement certifying that the vintage vehicle:

- (a) is owned and operated for the purposes enumerated in Section 41-21-1; and
- (b) has been inspected and found safe to operate on the highways of this state.

(2) A vintage travel trailer, as defined in Section 41-21-1, is exempt from the requirement under Subsection (1)(b).

Amended by Chapter 299, 2012 General Session

41-1a-227 (Repealed 01/01/15). Campers -- Registration and display of decal -- Nonresident exceptions.

A person may not operate a vehicle with a camper mounted on it in this state unless:

(1) the camper is currently registered and the appropriate decal, obtained under Section 59-2-330, is attached in plain sight to the rear of the camper; or

(2) the vehicle is currently registered and licensed in another state with an out-of-state camper mounted on it.

Renumbered and Amended by Chapter 1, 1992 General Session

Repealed by Chapter 61, 2014 General Session

41-1a-228. Special lifetime trailer registration -- Property tax or in lieu fees.

(1) The owner of a trailer or semitrailer used as a commercial vehicle may obtain an alternative special registration and license plate valid for the life of the trailer while the trailer is possessed by the registrant.

(2) The owner must file, on or before January 31 of each year after the year of issuance of the special registration and license plate, a certificate from the assessing authority to the effect that any property tax or in lieu fee due for the current year has

been paid.

(3) If property tax or the in lieu fee is not paid, registration is suspended or revoked.

Amended by Chapter 360, 1997 General Session

41-1a-229 (Superseded 01/01/15). Display of gross laden weight.

(1) Each vehicle registered by gross laden weight and exceeding 12,000 pounds of gross laden weight shall have the gross laden weight for which it is registered painted, stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous place, in letters of a reasonable size as determined by the commission.

(2) If vehicles are registered in combination, the gross laden weight for which the combination of vehicles is registered shall be displayed upon the power unit.

(3) An owner or operator of a vehicle or combination of vehicles may not display a gross laden weight other than that shown on the certificate of registration of the vehicle.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 54, 1992 General Session

41-1a-230. Registration checkoff for vision screening.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution for vision screening of \$2.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to Friends For Sight to provide blindness prevention education, screening, and treatment and not as a motor vehicle registration fee; and

(c) transferred to Friends For Sight at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 126, 2003 General Session

41-1a-230.5. Registration checkoff for promoting and supporting organ donation.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to the Organ Donation Contribution Fund created in Section 26-18b-101 and not as a motor vehicle registration fee; and

(c) transferred to the Organ Donation Contribution Fund created in Section 26-18b-101 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Enacted by Chapter 55, 2002 General Session

41-1a-230.6. Registration checkoff for protecting access to public lands and promoting off-highway vehicle education.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of \$2 for the purpose of:

(a) protecting access to public lands by motor vehicle and off-highway vehicle operators; and

(b) educating the public about appropriate off-highway vehicle use.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to the Off-highway Access and Education Restricted Account created in Section 41-22-19.5 and not as a motor vehicle or off-highway vehicle registration fee; and

(c) transferred to the Off-highway Access and Education Restricted Account created in Section 41-22-19.5 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

(3) In addition to the administrative costs deducted under Subsection (2)(c), the division may deduct the first \$1,000 collected to cover costs incurred to change the registration form.

Enacted by Chapter 299, 2007 General Session

41-1a-231. Special mobile equipment status.

(1) "Special mobile equipment" status as defined under Section 41-1a-102 shall be approved by the Department of Transportation in consultation with the Motor Carrier Advisory Board created under Section 72-9-201.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation in consultation with the State Tax Commission shall make rules establishing procedures for application, identification, approval, denial, and appeal of special mobile equipment status.

Amended by Chapter 382, 2008 General Session

41-1a-232. Special rental company vehicle registration decals and license plates.

(1) As used in this section:

(a) "Rental agreement" has the same meaning as defined in Section 31A-22-311.

(b) "Rental company" has the same meaning as defined in Section 31A-22-311.

(c) "Rental fleet" means more than 25 motor vehicles that are:

(i) owned by a rental company;

(ii) offered for rental without a hired driver through a rental agreement; and

(iii) designated by the registered owner of the motor vehicle as a rental fleet vehicle at the time of registration.

(2) (a) Beginning on the date that the division has implemented the division's

GenTax system, an owner that registers a motor vehicle under Section 41-1a-215 or 41-1a-215.5 may obtain an alternative special registration card and registration decals for the license plates if the motor vehicle is:

- (i) owned by a rental company; and
- (ii) maintained in the rental company's rental fleet.

(b) The registration card and registration decals for the license plates issued under Subsection (2)(a) are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet.

(3) (a) An owner that receives the alternative special registration card and registration decals for the license plates issued under this section shall:

- (i) renew the registration in accordance with Section 41-1a-216; and
- (ii) comply with all the prerequisites for registration or registration renewal under Section 41-1a-203.

(b) Notwithstanding the registration renewals requirement under Subsection 41-1a-216(2)(b), the alternative special registration card and registration decals issued under this section do not expire and are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet.

(4) If the registration renewal requirements under Subsection (3)(a) are not complied with, the registration is suspended or revoked.

Enacted by Chapter 391, 2013 General Session

41-1a-301 (Superseded 01/01/15). Apportioned registration and licensing of interstate vehicles.

(1) (a) An owner or operator of a fleet of commercial vehicles based in this state and operating in two or more jurisdictions may register commercial vehicles for operation under the International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity Agreement by filing an application with the division.

(b) The application shall include information that identifies the vehicle owner, the vehicle, the miles traveled in each jurisdiction, and other information pertinent to the registration of apportioned vehicles.

(c) Vehicles operated exclusively in this state may not be apportioned.

(2) (a) If no operations were conducted during the preceding year, the application shall contain a statement of the proposed operations and an estimate of annual mileage for each jurisdiction.

(b) The division may adjust the estimate if the division is not satisfied with its correctness.

(c) At renewal, the registrant shall use the actual mileage from the preceding year in computing fees due each jurisdiction.

(3) The registration fee for apportioned vehicles shall be determined as follows:

(a) divide the in-jurisdiction miles by the total miles generated during the preceding year;

(b) total the fees for each vehicle based on the fees prescribed in Section 41-1a-1206; and

(c) multiply the sum obtained under Subsection (3)(b) by the quotient obtained under Subsection (3)(a).

(4) Trailers or semitrailers of apportioned fleets may be listed separately as "trailer fleets" with the fees paid according to the total distance those trailers were towed in all jurisdictions during the preceding year mileage reporting period.

(5) (a) (i) When the proper fees have been paid and the property tax or in lieu fee has been cleared under Section 41-1a-206 or 41-1a-207, a registration card, annual decal, and where necessary, license plate, will be issued for each unit listed on the application.

(ii) An original registration must be carried in each vehicle at all times.

(b) Original registration cards for trailers or semitrailers may be carried in the power unit.

(c) (i) In lieu of a permanent registration card or license plate, the division may issue one temporary permit authorizing operation of new or unlicensed vehicles until the permanent registration is completed.

(ii) Once a temporary permit is issued, the registration process may not be cancelled. Registration must be completed and the fees and any property tax or in lieu fee due must be paid for the vehicle for which the permit was issued.

(iii) Temporary permits may not be issued for renewals.

(d) (i) The division shall issue one distinctive license plate that displays the letters APP for apportioned vehicles.

(ii) The plate shall be displayed on the front of an apportioned truck tractor or power unit or on the rear of any apportioned vehicle.

(iii) Distinctive decals displaying the word "apportioned" and the month and year of expiration shall be issued for each apportioned vehicle.

(e) A nonrefundable administrative fee, determined by the commission pursuant to Section 63J-1-504, shall be charged for each temporary permit, registration, or both.

(6) Vehicles that are apportionally registered are fully registered for intrastate and interstate movements, providing the proper interstate and intrastate authority has been secured.

(7) (a) Vehicles added to an apportioned fleet after the beginning of the registration year shall be registered by applying the quotient under Subsection (3)(a) for the original application to the fees due for the remainder of the registration year.

(b) (i) The owner shall maintain and submit complete annual mileage for each vehicle in each jurisdiction, showing all miles operated by the lessor and lessee.

(ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of the year immediately preceding the calendar year in which the registration year begins.

(c) (i) An owner-operator, who is a lessor, may be the registrant and the vehicle may be registered in the name of the owner-operator.

(ii) The identification plates and registration card shall be the property of the lessor and may reflect both the owner-operator's name and that of the carrier as lessee.

(iii) The allocation of fees shall be according to the operational records of the owner-operator.

(d) (i) The lessee may be the registrant of a leased vehicle at the option of the lessor.

(ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name shall appear on the registration.

(iii) The allocation of fees shall be according to the records of the carrier.

(8) (a) Any registrant whose application for apportioned registration has been accepted shall preserve the records on which the application is based for a period of three years after the close of the registration year.

(b) The records shall be made available to the division upon request for audit as to accuracy of computations, payments, and assessments for deficiencies, or allowances for credits.

(c) An assessment for deficiency or claim for credit may not be made for any period for which records are no longer required.

(d) Interest in the amount prescribed by Section 59-1-402 shall be assessed or paid from the date due until paid on deficiencies found due after audit.

(e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

(f) The division may enter into agreements with other International Registration Plan jurisdictions for joint audits.

(9) (a) Except as provided in Subsection (9)(b), all state fees collected under this section shall be deposited in the Transportation Fund.

(b) The following fees may be used by the commission as a dedicated credit to cover the costs of electronic credentialing as provided in Section 41-1a-303:

(i) \$5 of each temporary registration permit fee paid under Subsection (12)(a)(i) for a single unit; and

(ii) \$10 of each temporary registration permit fee paid under Subsection (12)(a)(ii) for multiple units.

(10) If registration is for less than a full year, fees for apportioned registration shall be assessed according to Section 41-1a-1207.

(a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is of the same weight category as the replaced vehicle, the registrant must file a supplemental application.

(ii) A registration card that transfers the license plate to the new vehicle shall be issued.

(iii) When a replacement vehicle is of greater weight than the replaced vehicle, additional registration fees are due.

(b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is registered, the registrant shall notify the division and surrender the registration card and license plate of the withdrawn vehicle.

(11) (a) An out-of-state carrier with an apportionally registered vehicle who has not presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway use tax computed as follows:

(i) Multiply the number of vehicles or combination vehicles registered in each weight class by the equivalent tax figure from the following tables:

Vehicle or Combination Registered Weight	Age of Vehicle	Equivalent Tax
12,000 pounds or less	12 or more years	\$10

12,000 pounds or less	9 or more years but less than 12 years	\$50
12,000 pounds or less	6 or more years but less than 9 years	\$80
12,000 pounds or less	3 or more years but less than 6 years	\$110
12,000 pounds or less	Less than 3 years	\$150

Vehicle or Combination Registered Weight	Equivalent Tax
12,001 - 18,000 pounds	\$150
18,001 - 34,000 pounds	200
34,001 - 48,000 pounds	300
48,001 - 64,000 pounds	450
64,001 pounds and over	600

(ii) Multiply the equivalent tax value for the total fleet determined under Subsection (11)(a)(i) by the fraction computed under Subsection (3) for the apportioned fleet for the registration year.

(b) Fees shall be assessed as provided in Section 41-1a-1207.

(12) (a) Commercial vehicles meeting the registration requirements of another jurisdiction may, as an alternative to full or apportioned registration, secure a temporary registration permit for a period not to exceed 96 hours or until they leave the state, whichever is less, for a fee of:

(i) \$25 for a single unit; and

(ii) \$50 for multiple units.

(b) A state temporary permit or registration fee is not required from nonresident owners or operators of vehicles or combination of vehicles having a gross laden weight of 26,000 pounds or less for each single unit or combination.

Amended by Chapter 183, 2009 General Session

41-1a-303. Cooperation for electronic credentialing.

The commission shall cooperate with the Department of Transportation and federal agencies to assist in providing electronic credentialing of motor carriers to facilitate implementation, compliance, and enforcement of vehicle registration, special fuel tax payment, and other registration or taxation provisions including the provisions of the International Registration Plan and the International Fuel Tax Agreement.

Enacted by Chapter 268, 2003 General Session

41-1a-401 (Superseded 01/01/15). License plates -- Number of plates --

Reflectorization -- Indicia of registration in lieu of or used with plates.

(1) (a) The division upon registering a vehicle shall issue to the owner one license plate for a motorcycle, trailer, or semitrailer and two identical license plates for every other vehicle.

(b) The license plate shall be issued for the particular vehicle registered and may not be removed during the term for which the license plate is issued or used upon any other vehicle than the registered vehicle.

(2) The division may receive applications for registration renewal, renew registration, and issue new license plates or decals at any time prior to the expiration of registration.

(3) (a) All license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.

(b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications.

(c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers.

(d) The granting of contracts for the materials shall be by public bid.

(4) (a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part.

(b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-402. Required colors, numerals, and letters -- Expiration.

(1) Each license plate shall have displayed on it:

(a) the registration number assigned to the vehicle for which it is issued;

(b) the name of the state; and

(c) a registration decal showing the date of expiration displayed in accordance with Subsection (6).

(2) If registration is extended by affixing a registration decal to the license plate, the expiration date of the decal governs the expiration date of the license plate.

(3) Except as provided in Subsection (4), each original license plate that is not one of the special group license plates issued under Section 41-1a-418 shall be a:

(a) statehood centennial license plate with the same color, design, and slogan as the plates issued in conjunction with the statehood centennial; or

(b) Ski Utah license plate.

(4) Beginning on the date that the division determines the existing inventories of statehood centennial license plates and Ski Utah license plates are exhausted, each license plate that is not one of the special group license plates issued under Section 41-1a-418 shall:

(a) display the "Life Elevated" slogan; and

(b) have a color and design approved by the 57th Legislature in the 2007

General Session that features:

- (i) a skier with the "Greatest Snow on Earth" slogan; or
- (ii) Delicate Arch.

(5) (a) Except as provided under Subsection 41-1a-215(2), license plates shall be renewed annually.

(b) (i) The division shall issue the vehicle owner a month decal and a year decal upon the vehicle's first registration with the division.

(ii) The division shall issue the vehicle owner only a year decal upon subsequent renewals of registration to validate registration renewal.

(6) The decals issued in accordance with Subsection (5) shall be applied as follows:

(a) for license plates issued beginning in 1974 through 1985, decals displayed on license plates with black lettering on a white background shall be applied to the lower left-hand corner of the rear of the license plate vehicles;

(b) decals displayed on statehood centennial license plates and on Ski Utah license plates issued in accordance with Subsection (3) shall be applied to the upper left-hand corner of the rear license plate;

(c) decals displayed on special group license plates issued in accordance with Section 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a plate indentation on the upper left-hand corner of the license plate;

(d) decals displayed on license plates with the "Life Elevated" slogan issued in accordance with Subsection (4) shall be applied in the upper left-hand corner for the month decal and the upper right-hand corner for the year decal;

(e) decals issued for truck tractors shall be applied to the front license plate in the position described in Subsection (6)(a), (b), or (d);

(f) decals issued for motorcycles shall be applied to the upper corner of the license plate opposite the word "Utah"; and

(g) decals displayed on license plates issued under Section 41-1a-416 shall be applied as appropriate for the year of the plate.

(7) (a) The month decal issued in accordance with Subsection (5) shall be displayed on the license plate in the left position.

(b) The year decal issued in accordance with Subsection (5) shall be displayed on the license plate in the right position.

(8) The current year decal issued in accordance with Subsection (5) shall be placed over the previous year decal.

(9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall be issued upon application and payment of the fees required under Section 41-1a-1211 or 41-1a-1212.

Amended by Chapter 210, 2008 General Session

41-1a-403. Plates to be legible from 100 feet.

License plates and the required letters and numerals on them, except the decals and the slogan, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-404. Location and position of plates.

(1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer shall be attached to the vehicle, one in the front and the other in the rear.

(2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to the rear of the motorcycle, trailer, or semitrailer.

(3) Every license plate shall at all times be:

(a) securely fastened:

(i) in a horizontal position to the vehicle for which it is issued to prevent the plate from swinging;

(ii) at a height of not less than 12 inches from the ground, measuring from the bottom of the plate; and

(iii) in a place and position to be clearly visible; and

(b) maintained:

(i) free from foreign materials; and

(ii) in a condition to be clearly legible.

(4) Enforcement by a state or local law enforcement officer of the requirement under Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than the requirement under Subsection (1) to attach a license plate to the front of the vehicle, or for another offense.

Amended by Chapter 106, 2008 General Session

41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters -- Confidential information.

(1) Except as provided in Subsection (2), each municipality, board of education, school district, state institution of learning, county, other governmental division, subdivision, or district, and the state shall:

(a) place a license plate displaying the letters, "EX" on every vehicle owned and operated by it or leased for its exclusive use; and

(b) display an identification mark designating the vehicle as the property of the entity in a conspicuous place on both sides of the vehicle.

(2) The entity need not display the "EX" license plate or the identification mark required by Subsection (1) if:

(a) the vehicle is in the direct service of the governor, lieutenant governor, attorney general, state auditor, or state treasurer of Utah;

(b) the vehicle is used in official investigative work where secrecy is essential;

(c) the vehicle is used in an organized Utah Highway Patrol operation that is:

(i) conducted within a county of the first or second class as defined under Section 17-50-501, unless no more than one unmarked vehicle is used for the operation;

(ii) approved by the Commissioner of Public Safety;

(iii) of a duration of 14 consecutive days or less; and

- (iv) targeted toward careless driving, aggressive driving, and accidents involving:
 - (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
 - (B) speeding violations for exceeding the posted speed limit by 21 or more miles per hour;
 - (C) speeding violations in a reduced speed school zone under Section 41-6a-604;
 - (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or
 - (E) violations of Section 41-6a-702 related to lane restrictions;
- (d) the vehicle is provided to an official of the entity as part of a compensation package allowing unlimited personal use of that vehicle;
- (e) the personal security of the occupants of the vehicle would be jeopardized if the "EX" license plate were in place; or
- (f) the vehicle is used in routine enforcement on a state highway with four or more lanes involving:
 - (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a roadway;
 - (ii) violations of Section 41-6a-702 related to left lane restrictions;
 - (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles proceeding in the same direction;
 - (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance; and
 - (v) violations of Section 41-6a-804 related to turning and changing lanes.
- (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a beehive logo, and the call number of the trooper to whom the vehicle is issued.
 - (4) (a) The commission shall issue "EX" and "UHP" plates.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing the procedure for application for and distribution of the plates.
 - (5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not required to display an annual registration decal.
 - (6) (a) Information shall be confidential for vehicles that are not required to display the "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).
 - (b) (i) If a law enforcement officer's identity must be kept secret, the law enforcement officer's agency head may request in writing that the division remove the license plate information of the officer's personal vehicles from all public access files and place it in a confidential file until the assignment is completed.
 - (ii) The agency head shall notify the division when the assignment is completed.
 - (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation.

Amended by Chapter 382, 2008 General Session

41-1a-410. Eligibility for personalized plates.

(1) A person who is the registered owner of a vehicle not subject to registration under Section 41-1a-301, registered with the division, or who applies for an original registration of a vehicle not subject to registration under Section 41-1a-301, may upon payment of the fee prescribed in Section 41-1a-1211 apply to the division for personalized license plates.

(2) Application shall be made in accordance with Section 41-1a-411.

(3) The personalized plates shall be affixed to the vehicle for which registration is sought in lieu of the regular license plates.

(4) Personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed.

Amended by Chapter 222, 1993 General Session

41-1a-411. Application for personalized plates -- Refusal authorized.

(1) An applicant for personalized license plates or renewal of the plates shall file an application for the plates in the form and by the date the division requires, indicating the combination of letters, numbers, or both requested as a registration number.

(2) The division may refuse to issue any combination of letters, numbers, or both that may carry connotations offensive to good taste and decency or that would be misleading.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-412. Design of personalized plates.

The personalized license plates shall be the same color and design as regular license plates designed for the type of vehicle being licensed and shall consist of numbers, letters, or any combination as fixed by the division, provided that there are no conflicts with existing or anticipated license plate series.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-413. Personalized plates -- Sale of vehicle -- Transfer of plates -- Release of priority.

If a person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle for which the personalized license plates have been issued, that person shall immediately:

(1) apply to display the license plates on a different vehicle owned by the person; or

(2) surrender the license plates to the division and release his priority to the letters and numbers displayed on the personalized license plates.

Amended by Chapter 222, 1993 General Session

41-1a-414. Parking privileges for persons with disabilities.

(1) As used in this section, "accessible parking space" means a parking space

that is clearly identified as reserved for use by a person with a disability and includes:

(a) vertical signage, including the international symbol of accessibility, that is visible from a passing vehicle; and

(b) a clearly marked access aisle, if provided, that is adjacent to and considered part of the parking space.

(2) Except in parking areas designated for emergency use, a person with a disability, qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately marked vehicle for reasonable periods without charge in metered parking zones and restricted parking areas, in a manner that allows proper access to the vehicle by the person with a disability.

(3) Only those vehicles carrying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard and transporting a qualifying person with a disability may park in an accessible parking space.

(4) This section applies to and may be enforced on public property and on private property that is used or intended for use by the public.

(5) The parking privileges granted by this section also apply to vehicles displaying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard issued by another jurisdiction if displayed on a vehicle being used by a person with a disability.

Amended by Chapter 1, 2003 General Session

41-1a-415. Lost or damaged license plate.

If a license plate is lost or becomes illegible, the owner of the vehicle for which the license plate was issued shall immediately apply for and obtain a replacement license plate upon the applicant furnishing information satisfactory to the division and paying the applicable fee.

Enacted by Chapter 1, 1992 General Session

41-1a-416. Original issue license plates -- Alternative stickers -- Rulemaking.

(1) The owner of a motor vehicle that is a model year 1973 or older may apply to the division for permission to display an original issue license plate of a format and type issued by the state in the same year as the model year of the vehicle.

(2) The owner of a motor vehicle who desires to display original issue license plates instead of license plates issued under Section 41-1a-401 shall:

(a) complete an application on a form provided by the division;

(b) supply and submit the original license plates that the owner desires to display to the division for approval; and

(c) pay the fees prescribed in Sections 41-1a-1206 and 41-1a-1211.

(3) The division, prior to approval of an application under this section, shall determine that the original issue license plates:

(a) are of a format and type issued by the state for use on a motor vehicle in this state;

(b) have numbers and characters that are unique and do not conflict with existing license plate series in this state;

(c) are legible, durable, and otherwise in a condition that serves the purposes of this chapter, except that original issue license plates are exempt from the provision of Section 41-1a-401 regarding reflectorization and Section 41-1a-403 regarding legibility from 100 feet; and

(d) are from the same year of issue as the model year of the motor vehicle on which they are to be displayed.

(4) An owner of a motor vehicle displaying original issue license plates approved under this section is not exempt from any other requirement of this chapter except as specified under this section.

(5) (a) An owner of a motor vehicle currently registered in this state whose original issue license plates are not approved by the division because of the requirement in Subsection (3)(b) may apply to the division for a sticker to allow the temporary display of the original issue license plates if:

(i) the plates otherwise comply with this section;

(ii) the plates are only displayed when the motor vehicle is used for participating in motor vehicle club activities, exhibitions, tours, parades, and similar activities and are not used for general daily transportation;

(iii) the license plates and registration issued under this chapter for normal use of the motor vehicle on the highways of this state are kept in the motor vehicle and shown to a peace officer on request; and

(iv) the sticker issued by the division under this subsection is properly affixed to the face of the original issue license plate.

(b) The sticker issued under this section shall be the size and form customarily furnished by the division.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for the implementation of this section.

Amended by Chapter 382, 2008 General Session

41-1a-418. Authorized special group license plates.

(1) The division shall only issue special group license plates in accordance with this section through Section 41-1a-422 to a person who is specified under this section within the categories listed as follows:

(a) disability special group license plates issued in accordance with Section 41-1a-420;

(b) honor special group license plates, as in a war hero, which plates are issued for a:

(i) survivor of the Japanese attack on Pearl Harbor;

(ii) former prisoner of war;

(iii) recipient of a Purple Heart;

(iv) disabled veteran; or

(v) recipient of a gold star award issued by the United States Secretary of Defense;

(c) unique vehicle type special group license plates, as for historical, collectors

value, or other unique vehicle type, which plates are issued for:

- (i) a special interest vehicle;
- (ii) a vintage vehicle;
- (iii) a farm truck; or
- (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as defined in Section 59-13-102; or

(B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b);

- (d) recognition special group license plates, which plates are issued for:
 - (i) a current member of the Legislature;
 - (ii) a current member of the United States Congress;
 - (iii) a current member of the National Guard;
 - (iv) a licensed amateur radio operator;
 - (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
 - (vi) an emergency medical technician;
 - (vii) a current member of a search and rescue team;
 - (viii) a current honorary consulate designated by the United States Department of State; or

(ix) an individual that wants to recognize and honor American freedoms and values through an In God We Trust license plate;

(e) support special group license plates, as for a contributor to an institution or cause, which plates are issued for a contributor to:

- (i) an institution's scholastic scholarship fund;
- (ii) the Division of Wildlife Resources;
- (iii) the Department of Veterans' and Military Affairs;
- (iv) the Division of Parks and Recreation;
- (v) the Department of Agriculture and Food;
- (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

- (vii) the Boy Scouts of America;
- (viii) spay and neuter programs through No More Homeless Pets in Utah;
- (ix) the Boys and Girls Clubs of America;
- (x) Utah public education;
- (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;
- (xii) the Department of Public Safety;
- (xiii) programs that support Zion National Park;
- (xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;

- (xv) programs that promote bicycle operation and safety awareness;
- (xvi) programs that conduct or support cancer research;
- (xvii) programs that create or support autism awareness;
- (xviii) programs that create or support humanitarian service and educational and cultural exchanges;

(xix) programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

(xx) programs that support and promote adoptions;

(xxi) programs that create or support civil rights education and awareness; or

(xxii) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization.

(2) (a) The division may not issue a new type of special group license plate unless the division receives:

(i) (A) a private donation for the start-up fee established under Section 63J-1-504 for the production and administrative costs of providing the new special group license plates; or

(B) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i)(A); and

(ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new type of support special group license plate to be issued with all fees required under this part for the support special group license plate issuance paid by each applicant.

(b) (i) Beginning on January 1, 2012, each participating organization shall collect and hold applications for support special group license plates authorized in Section 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

(ii) Once a participating organization has received at least 500 applications, it shall submit the applications, along with the necessary fees, to the division for the division to begin working on the design and issuance of the new type of support special group license plate to be issued.

(iii) Beginning on January 1, 2012, the division may not work on the issuance or design of a new support special group license plate authorized in Section 41-1a-422 until the applications and fees required under this Subsection (2) have been received by the division.

(iv) The division shall begin issuance of a new support special group license plate authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after receiving the applications and fees required under this Subsection (2).

(c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle registration of a motor vehicle that has been issued a firefighter recognition special group license plate unless the applicant is a contributor as defined in Subsection 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

(ii) A registered owner of a vehicle that has been issued a firefighter recognition special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle registration shall:

(A) be a contributor to the Firefighter Support Restricted Account as required under Subsection (2)(c)(i); or

(B) replace the firefighter recognition special group license plate with a new license plate.

(3) (a) Beginning on July 1, 2011, if a support special group license plate type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins

on July 1, the division may not issue that type of support special group license plate to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time period for which that type of support special group license plate has fewer than 500 license plates issued each year.

(b) If the division is required to stop the issuance of a type of support special group license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall report to the Transportation Interim Committee that the division will stop the issuance on or before the November interim meeting of the year in which the commission determines to stop the issuance of that type of support special group license plate.

(4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

Amended by Chapter 37, 2014 General Session

41-1a-419. Plate design -- Vintage vehicle certification and registration -- Personalized special group license plates -- Rulemaking.

(1) (a) The design and maximum number of numerals or characters on special group license plates shall be determined by the division in accordance with the requirements under Subsection (1)(b).

(b) Each special group license plate shall display:

- (i) the word Utah;
- (ii) the name or identifying slogan of the special group;
- (iii) a symbol decal not exceeding two positions in size representing the special group; and
- (iv) the combination of letters, numbers, or both uniquely identifying the registered vehicle.

(2) (a) The division shall, after consultation with a representative designated by the special group, specify the word or words comprising the special group name and the symbol decal to be displayed upon the special group license plates.

(b) A special group license plate symbol decal may not be redesigned:

- (i) unless the division receives a redesign fee established by the division under Section 63J-1-504; and
- (ii) more frequently than every five years.

(c) (i) Except as provided in Subsection (2)(c)(ii), a special group license plate symbol decal may not be reordered unless the division receives a symbol decal reorder fee established by the division under Section 63J-1-504.

(ii) A recognition special group license plate symbol decal for a currently employed, volunteer, or retired firefighter issued in accordance with Subsection 41-1a-418(1)(d)(v) that is reordered on or after July 1, 2007, but on or before June 30, 2008, is exempt from the symbol decal reorder fee authorized under Subsection (2)(c)(i).

(3) The license plates issued for horseless carriages prior to July 1, 1992, are valid without renewal as long as the vehicle is owned by the registered owner and the license plates may not be recalled by the division.

(4) A person who meets the criteria established under Sections 41-1a-418 through 41-1a-422 for issuance of special group license plates may make application in the same manner provided in Sections 41-1a-410 and 41-1a-411 for personalized special group license plates.

(5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) establish qualifying criteria for persons to receive, renew, or surrender special group license plates; and

(b) establish the maximum number of numerals or characters for special group license plates.

Amended by Chapter 183, 2009 General Session

41-1a-420. Disability special group license plates -- Application and qualifications -- Rulemaking.

(1) As used in this section:

(a) "Advanced practice registered nurse" means a person licensed to practice as an advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

(b) "Nurse practitioner" means an advanced practice registered nurse specializing as a nurse practitioner.

(c) "Physician" means a person licensed to practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.

(2) The division shall issue a disability special group license plate, a temporary removable windshield placard, or a removable windshield placard to:

(a) a qualifying person with a disability; or

(b) the registered owner of a vehicle that an organization uses primarily for the transportation of persons with disabilities that limit or impair the ability to walk.

(3) (a) The initial application of a person with a disability shall be accompanied by the certification of a physician or nurse practitioner:

(i) that the applicant meets the definition of a person with a disability that limits or impairs the ability to walk as defined in the federal Uniform System for Parking for Persons with Disabilities, 23 C.F.R. Ch. II, Subch. B, Pt. 1235.2 (1991); and

(ii) specifying the period of time that the physician or nurse practitioner determines the applicant will have the disability, not to exceed six months in the case of a temporary disability.

(b) The division shall issue a disability special group license plate or a removable windshield placard to a person with a permanent disability.

(c) The issuance of a person with a disability special group license plate does not preclude the issuance to the same applicant of a removable windshield placard.

(d) On request of an applicant with a disability special group license plate, temporary removable windshield placard, or a removable windshield placard the division shall issue one additional placard.

(e) A disability special group license plate, temporary removable windshield placard, or removable windshield placard may be used to allow one motorcycle to share

a parking space reserved for persons with a disability if:

- (i) the person with a disability:
 - (A) is using a motorcycle; and
 - (B) displays on the motorcycle a disability special group license plate, temporary removable windshield placard, or a removable windshield placard;
- (ii) the person who shares the parking space assists the person with a disability with the parking accommodation; and
- (iii) the parking space is sufficient size to accommodate both motorcycles without interfering with other parking spaces or traffic movement.

(4) (a) The temporary removable windshield placard or removable windshield placard shall be hung from the front windshield rearview mirror when the vehicle is parked in a parking space reserved for persons with disabilities so that it is visible from the front and rear of the vehicle.

(b) If a motorcycle is being used, the temporary removable windshield placard or removable windshield placard shall be displayed in plain sight on or near the handle bars of the motorcycle.

(5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) establish qualifying criteria for persons to receive, renew, or surrender special group license plates, a temporary removable windshield placard, or a removable windshield placard in accordance with this section;

(b) establish the maximum number of numerals or characters for disability special group license plates; and

(c) require all temporary removable windshield placards and removable windshield placards to include:

- (i) an identification number;
- (ii) an expiration date not to exceed:
 - (A) six months for a temporary removable windshield placard; and
 - (B) two years for a removable windshield placard; and
- (iii) the seal or other identifying mark of the division.

Amended by Chapter 66, 2009 General Session

41-1a-421. Honor special group license plates -- Personal identity requirements.

- (1) (a) The requirements of this Subsection (1) apply to a vehicle displaying a:
- (i) survivor of the Japanese attack on Pearl Harbor license plate;
 - (ii) former prisoner of war license plate;
 - (iii) Purple Heart license plate; or
 - (iv) disabled veteran license plate.

(b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.

(c) Upon the death of the veteran, the surviving spouse may, upon application to the division, retain the special group license plate decal so long as the surviving spouse remains unmarried.

(d) The division shall require the surviving spouse to make a sworn statement

that the surviving spouse is unmarried before renewing the registration under this section.

(2) Proper evidence of a Purple Heart is either:

(a) a membership card in the Military Order of the Purple Heart; or

(b) an original or certificate in lieu of the applicant's military discharge form, DD-214, issued by the National Personnel Records Center.

(3) The Purple Heart license plates shall bear:

(a) the words "Purple Heart" at the bottom of the plate;

(b) a logo substantially depicting a Purple Heart award; and

(c) the letter and number combinations assigned by the division.

(4) Proper evidence that a person is a disabled veteran is a written document issued by a military entity certifying that the person is disabled as a result of service in a branch of the United States Military.

(5) A disabled veteran seeking a disabled veteran license plate shall request the Department of Veterans' and Military Affairs to provide the verification required under Subsection (4).

(6) (a) An applicant for a gold star license plate shall submit written documentation that the applicant is a recipient of a gold star award issued by the United States Secretary of Defense.

(b) Written documentation under Subsection (6)(a) may include any of the following:

(i) a death certificate;

(ii) documentation showing classification of death as listed by the United States Secretary of Defense;

(iii) a casualty report;

(iv) a telegram from the United States Secretary of Defense or one of the branches of the United States armed forces; or

(v) other documentation that verifies the applicant meets the requirements of Subsection (6)(a).

Amended by Chapter 214, 2013 General Session

41-1a-422. Support special group license plates -- Contributor -- Voluntary contribution collection procedures.

(1) As used in this section:

(a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least \$25 has been donated to:

(A) a scholastic scholarship fund of a single named institution;

(B) the Department of Veterans' and Military Affairs for veterans' programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;

(D) the Department of Agriculture and Food for the benefit of conservation districts;

(E) the Division of Parks and Recreation for the benefit of snowmobile programs;

(F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;

(G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;

(H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;

(I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs;

(J) the Utah Association of Public School Foundations to support public education;

(K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;

(L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118 to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;

(M) the Division of Parks and Recreation for distribution to organizations that provide support for Zion National Park;

(N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;

(O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;

(P) the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

(Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support autism awareness programs;

(R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;

(S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

(T) the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608 to support programs that promote adoption;

(U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102; or

(V) the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.

(ii) (A) For a veterans' special group license plate, "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made.

(B) For a Utah Housing Opportunity special group license plate, "contributor" means a person who:

(I) has donated or in whose name at least \$30 has been donated at the time of application and annually after the time of application; and

(II) is a member of a trade organization for real estate licensees that has more

than 15,000 Utah members.

(C) For an Honoring Heroes special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.

(D) For a firefighter support special group license plate, "contributor" means a person who:

(I) has donated or in whose name at least \$15 has been donated at the time of application and annually after the time of application; and

(II) is a currently employed, volunteer, or retired firefighter.

(E) For a cancer research special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually after the time of application.

(F) For a Martin Luther King, Jr. Civil Rights Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.

(b) "Institution" means a state institution of higher education as defined under Section 53B-3-102 or a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(2) (a) An applicant for original or renewal collegiate special group license plates under Subsection (1)(a)(i) must be a contributor to the institution named in the application and present the original contribution verification form under Subsection (2)(b) or make a contribution to the division at the time of application under Subsection (3).

(b) An institution with a support special group license plate shall issue to a contributor a verification form designed by the commission containing:

(i) the name of the contributor;

(ii) the institution to which a donation was made;

(iii) the date of the donation; and

(iv) an attestation that the donation was for a scholastic scholarship.

(c) The state auditor may audit each institution to verify that the money collected by the institutions from contributors is used for scholastic scholarships.

(d) After an applicant has been issued collegiate license plates or renewal decals, the commission shall charge the institution whose plate was issued, a fee determined in accordance with Section 63J-1-504 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.

(e) If the contribution is made at the time of application, the contribution shall be collected, treated, and deposited as provided under Subsection (3).

(3) (a) An applicant for original or renewal support special group license plates under this section must be a contributor to the sponsoring organization associated with the license plate.

(b) This contribution shall be:

(i) unless collected by the named institution under Subsection (2), collected by the division;

(ii) considered a voluntary contribution for the funding of the activities specified under this section and not a motor vehicle registration fee;

(iii) deposited into the appropriate account less actual administrative costs associated with issuing the license plates; and

(iv) for a firefighter special group license plate, deposited into the appropriate account less:

(A) the costs of reordering firefighter special group license plate decals; and

(B) the costs of replacing recognition special group license plates with new license plates under Subsection 41-1a-1211(13).

(c) The donation described in Subsection (1)(a) must be made in the 12 months prior to registration or renewal of registration.

(d) The donation described in Subsection (1)(a) shall be a one-time donation made to the division when issuing original:

(i) snowmobile license plates; or

(ii) conservation license plates.

(4) Veterans' license plates shall display one of the symbols representing the Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

Amended by Chapter 37, 2014 General Session

41-1a-501. Certificate of title required.

Unless exempted, each owner of a motor vehicle, vessel, outboard motor, trailer, semitrailer, manufactured home, mobile home, or off-highway vehicle shall apply to the division for a certificate of title on forms furnished by the division as evidence of ownership.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-503. Certificate of title or receipt of surrender of ownership documents required -- Application by owner.

(1) The owner of a manufactured home or mobile home shall apply to the division for a certificate of title unless the manufactured home or mobile home is previously registered as real property under Subsection 41-1a-506(1).

(2) (a) An owner of a manufactured home or mobile home previously issued a certificate of title who attaches that manufactured home or mobile home to real property shall apply for a receipt of surrender of ownership documents within 45 days of attaching to the real property.

(b) Upon application, the division shall issue a receipt of surrender of ownership documents in lieu of a certificate of title.

(c) However, manufactured homes and mobile homes are not exempt from the other requirements of this part.

(3) (a) The owner of a manufactured home or mobile home previously issued a receipt of surrender of ownership documents who separates that manufactured home or mobile home from the real property shall apply for a certificate of title within 45 days of the separation and before any transfer of ownership of that manufactured home or mobile home.

(b) Upon application, the division shall issue a certificate of title in lieu of a

receipt of surrender of ownership documents.

Amended by Chapter 266, 2013 General Session

41-1a-504. Exceptions to title requirements for vehicles.

Each vehicle operated in this state is subject to the titling provisions of this part except:

- (1) special mobile equipment;
- (2) a vehicle owned or leased by the federal government;
- (3) a trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or persons; and
- (4) modular and prebuilt homes conforming to the Uniform Building Code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis.

Enacted by Chapter 1, 1992 General Session

41-1a-505. Exceptions to title requirements for vessels and outboard motors.

(1) Each vessel or outboard motor, identified by the manufacturer as a 1985 year model or newer, operated on the waters of this state is subject to the title provisions of this part except:

- (a) vessels that have valid marine documents issued by the United States Coast Guard;
 - (b) canoes;
 - (c) inflatable vessels powered by an outboard motor with a manufacturer's listed horsepower of 25 or less;
 - (d) outboard motors with a manufacturer's listed horsepower of 25 or less;
 - (e) vessels and outboard motors owned and operated by nonresidents of the state;
 - (f) vessels or outboard motors owned and operated by the federal government;
- or
- (g) vessels exempt from registration under Section 73-18-9.

(2) The division may not provide a title on vessels and outboard motors identified by the manufacturer as a 1984 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-506. Exceptions to title requirements for manufactured homes or mobile homes.

(1) A manufactured home or mobile home in this state is subject to the titling provisions of this part except:

- (a) a manufactured home or mobile home owned and operated by the federal government; and
- (b) a manufactured home or mobile home that has been converted to real property under Section 70D-2-401.

(2) A manufactured home or mobile home previously converted to real property but that has been separated from the real property is subject to the titling provisions of this part upon separation.

Amended by Chapter 266, 2013 General Session

41-1a-507. Exceptions to title requirements for off-highway vehicles.

(1) Each off-highway vehicle operated in this state and identified by the manufacturer as a 1988 year model or newer is subject to the titling provisions of this part except:

- (a) off-highway vehicles owned and operated by nonresidents of the state;
- (b) off-highway vehicles owned and operated by the federal government; and
- (c) off-highway vehicles that are registered for highway use.

(2) The division may not provide title to an off-highway vehicle identified by the manufacturer as a 1987 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-508. Prerequisites for titling.

(1) Except as otherwise provided, prior to titling a vehicle, vessel, or outboard motor an owner must provide evidence of:

- (a) title or ownership under Section 41-1a-509;
- (b) payment of sales taxes in accordance with Section 41-1a-510;
- (c) payment of all applicable fees under Part 12, Fee and Tax Requirements;
- (d) the identification number inspection required under Section 41-1a-511;
- (e) the odometer statement required under Section 41-1a-902; and
- (f) evidence of property tax clearance for manufactured homes and mobile homes.

(2) An application for registration or current registration is not a prerequisite for obtaining a title.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-509. Manufacturer's certificate of origin or title.

(1) If a vehicle other than an off-highway vehicle older than a 1988 model year, or a vessel or outboard motor older than a 1985 model year has not been previously titled, the application for certificate of title shall include the manufacturer's certificate of origin properly endorsed for transfer.

(2) The manufacturer's certificate of origin shall show:

- (a) the date of sale to the dealer or person first receiving it from the manufacturer;
- (b) the name of the dealer or person;
- (c) a description sufficient to identify the vehicle, vessel, or outboard motor; and
- (d) a certification by the dealer that the vehicle, vessel, or outboard motor was new when sold to the applicant.

(3) (a) If the vehicle, vessel, or outboard motor is from a state or foreign country that does not issue or require certificates of title, the owner shall submit a bill of sale, sworn statement of ownership, or any other evidence of ownership required by the division.

(b) The division may refuse to issue a certificate of title or receipt of surrender of ownership documents if the applicant fails to submit the evidence of ownership required.

Amended by Chapter 266, 2013 General Session

41-1a-510. Sales tax payment required.

(1) (a) Except as provided in Subsection (1)(b), the division before issuing a certificate of title to a vehicle, vessel, or outboard motor shall require from every applicant:

(i) a receipt from the division showing that the sales tax has been paid to the state on the sale of the vehicle, vessel, or outboard motor upon which application for certificate of title has been made; or

(ii) a certificate from the division showing that no sales tax is due.

(b) If a licensed dealer has made a report of sale, no receipt or certificate is required.

(2) The division may also issue a receipt of surrender of ownership documents for a manufactured home or mobile home if the applicant complies with Subsection (1).

Amended by Chapter 266, 2013 General Session

41-1a-511. Identification number inspection.

An application for a certificate of title for a vehicle, vessel, or outboard motor not previously titled in this state shall be accompanied by a certificate of identification number inspection obtained in accordance with Section 41-1a-802, unless the vehicle, vessel, or outboard motor is new and was acquired from an in-state dealer or in-state manufacturer.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-512. Application for title.

(1) The application for a certificate of title shall include:

(a) the signature of a person to be recorded on the certificate as owner;

(b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;

(c) a description of the vehicle, vessel, or outboard motor, including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, the identification number of the vehicle, vessel, or outboard motor, as applicable, and other information the division may require;

(d) other information required by the division to enable it to determine whether the owner is entitled to a certificate of title;

(e) a statement of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor; and

(f) the names and addresses of all persons having any ownership interest in the vehicle, vessel, or outboard motor and the nature of the ownership interest.

(2) An application for a certificate of title for a new vehicle, vessel, or outboard motor purchased from a dealer shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

Amended by Chapter 51, 2002 General Session

41-1a-513. Examination of registration records and indices of stolen and recovered vehicles, vessels, and outboard motors.

The division upon receiving application for any certificate of title shall first check the identification number shown in the application against the indices of registered vehicles, vessels, and outboard motors and against indices of stolen and recovered vehicles, vessels, and outboard motors.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-514. Certificate of title -- Contents.

(1) The division upon approving an application for a certificate of title shall issue a certificate of title. The face of the certificate of title shall include:

- (a) the date issued;
- (b) the name and address of the owner;
- (c) a description of the vehicle, vessel, or outboard motor titled, including the year, make, and identification number;
- (d) a statement of the owner's title and of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor;
- (e) any brand on the title; and
- (f) an odometer statement, if applicable.

(2) The certificate of title shall bear the seal of the division.

(3) The certificate of title shall contain adequate space for:

- (a) the assignment and warranty of title or interest by the owner;
- (b) the release of interest by a recorded lien holder; and
- (c) the notation of one lien or encumbrance, if any, existing at the time of transfer.

(4) The model year that is listed on the certificate of title of a replica vehicle shall be the model year that the body of the vehicle resembles.

(5) The certificate of title of a replica vehicle shall indicate that the vehicle is a replica vehicle.

Amended by Chapter 171, 2009 General Session

41-1a-515. Delivery of certificate by division.

(1) The division shall deliver the certificate of title to the owner if no lien or

encumbrance is recorded on it. The division shall deliver the certificate to the person holding the first lien or encumbrance as recorded on the certificate.

(2) The certificate of title shall be delivered:

- (a) in person;
- (b) through the United States mail; or
- (c) electronically.

(3) If delivered through the United States mail, receipt of the certificate of title is presumed four days after the mail has been posted.

Amended by Chapter 95, 2004 General Session

41-1a-516. Annual renewal of titles unnecessary -- Superseded certificates invalid.

(1) Certificates of title need not be renewed annually but shall remain valid until canceled by the division for cause or upon a transfer of any interest shown on the certificate.

(2) A certificate of title is invalid when superseded by a duplicate certificate issued under Section 41-1a-518 or when the certificate has been superseded by a certificate issued by another state or country.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-517. Change of name -- New title.

(1) If the name of any person who has made application for or obtained a certificate of title is legally changed, the person shall surrender the certificate and file an application for a new certificate of title.

(2) The division upon receipt of the required fees shall issue a new certificate of title.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-518. Duplicate titles.

(1) (a) If a certificate of title is lost, stolen, mutilated, or becomes illegible, the owner, legal representative, or successor in interest of the owner of the vehicle, vessel, or outboard motor for which the certificate was issued, as shown by the records of the division, shall immediately apply for and may obtain a duplicate upon furnishing information satisfactory to the division.

(b) A certificate of title issued under this section shall have printed or stamped in ink upon its face "duplicate".

(c) The duplicate certificate, when properly issued, supersedes and invalidates all other certificates previously issued.

(2) (a) When the application for a duplicate certificate of title is accompanied by a proper release of interest from the owner or owners of record and a proper release of interest from the lienholder of record and the release is accompanied by a proper

application to title the vehicle, vessel, or outboard motor in the name of the new owner or owners, a duplicate certificate need not be made.

(b) The division may issue a certificate of title in the name of the new owner or owners.

(c) The duplicate title fees provided under Part 12, Fee and Tax Requirements, apply.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-519. Dealer requirements for certificate of title or receipt of surrender of title.

(1) If a dealer delivers a new off-highway vehicle, vessel, or outboard motor to the purchaser, the dealer shall apply for issuance of a certificate of title or receipt of surrender of ownership documents, as appropriate, in the purchaser's name within 45 days of the date of sale.

(2) A dealer who purchases or takes in trade a used off-highway vehicle, vessel, or outboard motor on which a certificate of title has previously been issued is not required to apply for a certificate of title.

Amended by Chapter 266, 2013 General Session

41-1a-520. Registration without issuing Utah title.

(1) If a person is relocating from another jurisdiction and establishing residence in this state, whether temporary or permanent, and that person has a vehicle registered and titled in another jurisdiction and is not able to surrender title to the vehicle being registered in the state because title is physically held by a lienholder, the division may register the vehicle without issuing a title.

(2) Upon satisfaction of the lien outstanding against the vehicle in the other jurisdiction, the registered owner shall within 10 days of receipt surrender the title from the other jurisdiction to the division and make application for a title.

Enacted by Chapter 1, 1992 General Session

41-1a-521. Release of prior certificate of title.

Every application for a certificate of title for a vehicle, vessel, or outboard motor for which a certificate of title has previously been issued in this state or another jurisdiction shall be accompanied by the certificate of title.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-522. Record of nonconforming vehicle -- Access -- Brand -- Unbranding.

(1) The definitions in Section 41-3-407 apply to this section.

(2) Upon receipt of a copy of an original certificate of title, Manufacturer's

Statement of Origin, or other evidence of ownership of a nonconforming vehicle in accordance with Section 41-3-409, the division shall:

- (a) establish a record of the reported nonconforming vehicle;
 - (b) consider the record a public record with public access under Sections 41-1a-116 and 63G-2-201;
 - (c) allow access to the record upon written application to the division; and
 - (d) upon request for a new certificate of title for a nonconforming vehicle, brand the certificate of title with the words "MANUFACTURER BUYBACK NONCONFORMING VEHICLE" clearly and conspicuously on the face of the new certificate of title.
- (3) Upon receipt of the branded certificate of title, the division shall:
- (a) follow the procedures established in Subsection (2); or
 - (b) if the record of the nonconforming vehicle contains an application for an unbranded certificate of title that meets the requirements of Section 41-3-409.5:
 - (i) update the record to show that all nonconformities have been cured;
 - (ii) consider the record a public record with public access under Sections 41-1a-116 and 63G-2-201;
 - (iii) allow access to the complete record upon written application to the division; and
 - (iv) upon request for a new certificate of title, issue an unbranded certificate of title.

Amended by Chapter 382, 2008 General Session

41-1a-601. Lien validity -- Security interest.

(1) Except as provided under Subsection (2) or (3), a lien upon a vehicle, vessel, or outboard motor, except a lien dependent upon possession, is not valid against the creditors of an owner acquiring a lien by levy or attachment, or subsequent purchasers, or encumbrancers without notice until Sections 41-1a-602 through 41-1a-606 have been complied with.

(2) Security interests in inventory consisting in part of vehicles subject to registration under this chapter, that are held for sale by a person in the business of selling goods of that kind, shall be perfected under Section 70A-9a-310, except that:

- (a) buyers in the ordinary course of business, as defined in Section 70A-1a-201, take free of the security interests as provided in Section 70A-9a-320; and
- (b) security interests of persons extending credit to buyers in the ordinary course of business, as defined in Section 70A-1a-201, take free of the security interests as provided in Section 70A-9a-320.

(3) Security interests in inventory consisting in part of vehicles subject to registration under this chapter, which are held for sale by a person in the business of selling goods of that kind, shall be perfected under Section 70A-9a-310, except that a lienholder with a security interest noted on the title shall have priority unless the lienholder has been paid in full in accordance with Section 41-3-402.

Amended by Chapter 342, 2010 General Session

41-1a-602. Application for original registration.

(1) (a) If a vehicle is of a type subject to registration but has not been registered and no certificate of title has been issued, or if the vehicle has been registered or titled in another state or country, the owner shall file an application in the form for an original registration and issuance of an original certificate of title.

(b) If the vehicle ownership has changed, the owner shall file an application in the form for an original certificate of title.

(2) Each application shall be accompanied by all applicable taxes and fees under Part 12, Fee and Tax Requirements.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-603. Issuance of new certificate of title -- Lienholder.

(1) Upon receipt of a title application the division shall file the application, and when satisfied as to the authenticity of the application, shall issue a new certificate of title in usual form, giving the name of the owner and a statement of one lien or encumbrance, if any, certified to the division as existing against the vehicle, vessel, or outboard motor.

(2) If a certificate of title has been issued, and the same lienholder as shown by the records of the division only grants additional funds to the same owner as shown by the records of the division, no further recording is required and no subsequent certificate of title need be applied for or issued, if the original certificate or valid duplicate has remained in possession of the lienholder and the lien has not been released and the certificate has not been delivered to the owner.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-604. Filing effective to give notice of liens.

The filing and the issuance of a new certificate of title under Sections 41-1a-602 and 41-1a-603 constitute constructive notice of all liens and encumbrances against the vehicle, vessel, and outboard motor to creditors of the owner, to a person financing the inventory of a motor vehicle dealer that sells or offers the vehicle for sale, and to subsequent purchasers and encumbrancers.

Amended by Chapter 342, 2010 General Session

41-1a-605. Constructive notice.

(1) If a person files an application in the form for an original certificate of title in accordance with Section 41-1a-602 within 30 days after the owner receives a delivery of the vehicle, vessel, or outboard motor, constructive notice dates from the time of the execution of the document creating the security interest, and the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise after the time of execution of the document creating the security interest.

(2) If a person files an application in the form for an original certificate of title

pursuant to Section 41-1a-602 after 30 days after the owner receives delivery of the vehicle, vessel, or outboard motor, constructive notice dates from the time of filing of the document creating the security interest, and the security interest takes priority over the rights of a buyer, lessee, or lien creditor as of the time of filing.

(3) If a person relocates a motor vehicle within the state with a title issued by another state bearing a lien, the rights of the lienholder are perfected in accordance with the law of the state issuing the title.

Repealed and Re-enacted by Chapter 342, 2010 General Session

41-1a-606. Method of giving notice -- Exceptions.

The method provided in Sections 41-1a-602 through 41-1a-605, for giving notice of a lien or encumbrance upon a registered vehicle is exclusive except for liens dependent upon possession and any lien or encumbrance filed as provided under this chapter, which are exempt from the provisions of Section 70A-9a-311, and other provisions of law that otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of a type subject to registration under this chapter.

Amended by Chapter 342, 2010 General Session

41-1a-607. Assignment by lienholder.

(1) (a) Any person holding a lien or encumbrance upon a vehicle, vessel, or outboard motor, other than a lien dependent solely upon possession, may assign his title or interest in or to the vehicle, vessel, or outboard motor to a person other than the owner without the consent of and without affecting the interest of the owner or the registration of the vehicle, vessel, or outboard motor.

(b) If assignment of the lien or encumbrance in any way modifies or affects the owner's repayment agreement, the lien or encumbrance holder shall give to the owner a written notice of the assignment.

(2) Upon request to the division and upon receipt of a certificate of title assigned by the holder of a lien or encumbrance shown on it and giving the name and address of the assignee, accompanied by the fee provided by law, the division shall issue a new certificate of title.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-608. Release by lienholder to owner.

(1) A person holding a lien or encumbrance as shown upon a certificate of title upon a vehicle or vessel may release the lien or encumbrance or assign his interest to the owner without affecting the registration of the vehicle or vessel.

(2) The division shall issue a new certificate of title without a lien previously recorded upon receiving:

(a) a certificate of title:

(i) upon which a lienholder has released or assigned his interest to the owner; or

- (ii) not so endorsed but accompanied by a legal release from a lienholder of his interest in or to a vehicle, vessel, or outboard motor;
- (b) an application properly completed; and
- (c) the proper fee.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-609. Terminal rental adjustment clauses.

(1) As used in this section, "terminal rental adjustment clause" means a provision of an agreement that permits or requires the rental price to be adjusted upward or downward by reference to the amount realized by the lessor under the agreement upon sale or other disposition of the property.

(2) Notwithstanding any other provision of law, a motor vehicle or trailer lease agreement that is subject to a terminal rental adjustment clause does not create a sale or security interest.

(3) The provisions of this section do not affect:

- (a) the rights and obligations of a valid security interest under this chapter; or
- (b) the calculation of sales and use tax payable under Title 59, Chapter 12, Sales and Use Tax Act.

Enacted by Chapter 266, 2003 General Session

41-1a-701. Transfer by owner -- Removal of plates.

(1) If the owner of a registered vehicle transfers his title or interest to the vehicle the registration of the vehicle expires. The owner shall remove the license plates from the transferred vehicle.

(2) Within 20 days from the date of transfer the owner shall forward the plates to the division to be destroyed or may have the plates and the registration number assigned to another vehicle, subject to the rules of the division.

Amended by Chapter 222, 1993 General Session

41-1a-702. Endorsement of assignment and warranty of title -- Co-owners.

(1) (a) To transfer a vehicle, vessel, or outboard motor the owner shall endorse the certificate of title issued for the vehicle, vessel, or outboard motor in the space for assignment and warranty of title.

(b) The endorsement and assignment shall include a statement of all liens or encumbrances on the vehicle, vessel, or outboard motor.

(c) Upon the endorsement and assignment of a certificate of title, the same certificate of title may not be reendorsed and reassigned to a new owner except as provided in Section 41-1a-705.

(2) (a) If a title certificate reflects the names of two or more people as co-owners in the alternative by use of the word "or" or "and/or," each co-owner is considered to have granted the other co-owners the absolute right to endorse and deliver title and to dispose of the vehicle, vessel, or outboard motor.

(b) If the title certificate reflects the names of two or more people as co-owners in the conjunctive by use of the word "and," or the title does not reflect any alternative or conjunctive word, the endorsement of each co-owner is required to transfer title to the vehicle, vessel, or outboard motor.

(3) The owner shall deliver the certificate of title containing the odometer disclosure statement required under Section 41-1a-902 and the certificate of registration to the purchaser or transferee at the time of, or within 48 hours after delivering the vehicle, vessel, or outboard motor, as applicable, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709.

Amended by Chapter 379, 2012 General Session

41-1a-703. New owner to secure new registration and new certificate of title.

The transferee before operating or permitting the operation of a transferred vehicle on a highway shall present to the division the certificate of registration and the certificate of title, properly endorsed, and shall apply for a new certificate of title and obtain a new registration for the transferred vehicle, as upon an original registration, except as permitted under Sections 41-1a-223, 41-1a-520, and 41-1a-704.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-704. Transfer by operation of law.

(1) Except as provided under Subsection (2), if the title or interest of an owner in or to a registered vehicle passes to another person other than by voluntary transfer:

- (a) the registration of the vehicle expires; and
- (b) the vehicle may not be operated upon a highway until the person entitled to possession of the vehicle applies for and obtains a valid registration or temporary permit.

(2) (a) A vehicle under Subsection (1) may be operated on the highways by the person entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon displaying on the vehicle the license plates issued to the former owner.

(b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new title holder may apply to the Motor Vehicle Enforcement Division for special plates issued under Section 41-3-505 to transporters and may operate the repossessed vehicle under the special plate for the purposes of:

- (i) transporting the vehicle to a garage or warehouse; or
- (ii) demonstrating the vehicle for sale.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 234, 1992 General Session

41-1a-705. Persons that may sell, offer for sale, or display for sale a vehicle, vessel, or outboard motor -- New owner shall title -- Penalties.

(1) As used in this section, "immediate family member" means a person's

spouse, child, spouse of a child living in the person's home, or parent.

(2) (a) A person may not sell, offer for sale, or display for sale or exchange any vehicle, vessel, or outboard motor unless the person is:

- (i) a person licensed under Chapter 3, Motor Vehicle Business Regulation Act;
- (ii) a motor vehicle auction;
- (iii) the lienholder or owner of the vehicle, vessel, or outboard motor as evidenced by the person's name being printed by the division on the certificate of title;
- (iv) a person who has lawfully repossessed the vehicle, vessel, or outboard motor;
- (v) a holder of a statutory lien on the vehicle who is selling the vehicle, vessel, or outboard motor through a motor vehicle auction;
- (vi) a person lawfully donating the vehicle, vessel, or outboard motor to a non-profit charitable organization;
- (vii) a non-profit charitable organization that receives donated vehicles and sells or disposes of them; or
- (viii) a person lawfully selling the person's immediate family member's vehicle, vessel, or outboard motor.

(b) Subsection (2)(a) does not apply to a personal representative, trustee, guardian, executor, administrator, sheriff, government entity, or other person who sells a vehicle, vessel, or outboard motor under the powers and duties granted or imposed by law.

(3) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the new owner of a transferred vehicle, vessel, or outboard motor shall obtain a certificate of title for the vehicle, vessel, or outboard motor transferred to the new owner.

(4) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the owner of the vehicle, vessel, or outboard motor shall title the vehicle, vessel, or outboard motor by completing an application and presenting to the division a properly endorsed certificate of title, duplicate certificate of title, or other document of authority along with any additional documents the division may require to transfer the title.

(5) (a) A person who violates the provisions of Subsection (2) is guilty of a class B misdemeanor.

(b) A person who violates any of the provisions of this section shall pay all fees and taxes required under this chapter that resulted from the violation.

(c) Each vehicle sold, offered for sale, or displayed for sale in violation of this section shall be a separate offense.

(6) Nothing in this section applies to a person purchasing a vehicle from a motor vehicle auction if the purchased vehicle is being transported out of the state.

Amended by Chapter 379, 2012 General Session

41-1a-706. When division to transfer and issue new certificate.

The division shall reregister a vehicle in the name of the new owner and issue a new certificate of registration and a new certificate of title:

- (1) upon receipt of the:
 - (a) properly endorsed certificate of title;

- (b) certificate of registration;
- (c) proper application for registration; and
- (d) required fee; and
- (2) when satisfied as to the genuineness and regularity of the transfer and the right of the transferee to a certificate of title.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-708. Owner not liable for negligent operation after transfer.

The owner of a vehicle or vessel who has made a bona fide sale or transfer of his title or interest and who has delivered to the purchaser or transferee possession of the vehicle or vessel, the certificate of registration, and the properly endorsed certificate of title to the vehicle or vessel is not liable for any damages thereafter resulting from negligent operation of the vehicle or vessel by another.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-709. Dealer transfer of used off-highway vehicle, vessel, or outboard motor.

Upon the resale or subsequent transfer by a dealer of a used off-highway vehicle, vessel, or outboard motor, the dealer shall endorse the certificate of title and forward it, accompanied by the transferee's application for a certificate of title, or if desired by the purchaser, and as applicable, a receipt of surrender of ownership documents, to the division.

Amended by Chapter 266, 2013 General Session

41-1a-710. Certificate of origin required for acquisition or resale of vehicle, vessel, or outboard motor.

(1) A dealer may not acquire a new vehicle, vessel, or outboard motor without obtaining a manufacturer's or importer's certificate of origin.

(2) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a vehicle, vessel, or outboard motor for purposes of resale without delivering a manufacturer's or importer's certificate of origin to the purchaser or the new owner.

(3) The division may prescribe uniform standards for the size and content of certificates of origin.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-711. Compliance of foreign motor vehicle required prior to sale -- Penalty.

(1) A person may not knowingly sell or offer for sale in this state any vehicle referred to in Section 41-1a-225 without providing to the purchaser at the time of purchase evidence of:

(a) legal entry of the vehicle into the United States from the United States Customs Service; and

(b) compliance with the United States Environmental Protection Agency and the United States Department of Transportation requirements applicable to the vehicle.

(2) It is a class A misdemeanor to violate this section.

Amended by Chapter 58, 1993 General Session

41-1a-712. Foreign vehicle disclosure requirements -- Penalties -- Civil damages.

(1) A person may not knowingly sell or offer for sale in this state any vehicle that was initially delivered for disposition or sale in a country other than the United States of America unless, prior to the sale, the person provides written notice to the purchaser on a separate form furnished by the Motor Vehicle Enforcement Division:

(a) that indicates:

(i) that the vehicle was initially delivered for disposition or sale in a country outside of the United States as indicated on the Manufacturer's Statement of Origin or similar ownership document; and

(ii) the country where the vehicle was initially delivered for the disposition or sale; and

(b) that contains language substantially similar to each of the following statements:

(i) "the odometer for this vehicle may have been converted to miles";

(ii) "this vehicle meets U.S. Department of Transportation safety standards"; and

(iii) "this vehicle may have manufacturer warranty exclusions if sold or offered for sale in this country."

(2) A person who violates this section is guilty of a class B misdemeanor.

(3) (a) In addition to any other penalties, a purchaser may bring a civil action to recover damages resulting from a seller's failure to provide notice as required under this section.

(b) The amount of damages that may be recovered in a civil action are the actual damages or \$1,500, whichever is greater.

Amended by Chapter 305, 2008 General Session

Amended by Chapter 382, 2008 General Session

41-1a-801. Altered or changed identification number -- State assigned identification number.

(1) The owner of a vehicle required to be registered under this chapter, the identification number of which has been altered, removed, defaced, or has not been placed on it shall make application in the form prescribed by the division for a state assigned identification number.

(2) The owner shall furnish information that will satisfy the division that he is the owner of the vehicle and furnish information to identify the vehicle with the registration of the vehicle for the current year, at which time the division shall assign a state identification number for the vehicle.

- (3) A record of state assigned numbers shall be maintained by the division.
- (4) The state assigned identification number is the identification number of the vehicle when:
 - (a) the owner has stamped the state assigned identification number upon the vehicle as directed by the division;
 - (b) a qualified identification number inspector has inspected and found the state assigned identification number stamped upon the vehicle as directed;
 - (c) the owner has provided the division with a certificate of inspection; and
 - (d) the owner has submitted an application for a certificate of title.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-802. Identification number inspectors -- Duties.

- (1) The following are qualified identification number inspectors:
 - (a) the commission;
 - (b) designated officers and employees of the division;
 - (c) a person operating a safety inspection station under Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act;
 - (d) an official inspection station certified inspector;
 - (e) a dealer licensed under Subsection 41-3-202(1), (2), (3), or (4); and
 - (f) all peace officers of the state.
- (2) The qualified identification number inspectors shall, upon the application for the first registration in this state of any vehicle:
 - (a) inspect the identification number of the vehicle;
 - (b) make a record of the identification number inspection upon an application form provided by the division; and
 - (c) verify the facts in the application.

Amended by Chapter 32, 2005 General Session

41-1a-803. Identification numbers -- Assigning numbers -- Requirement for sale.

- (1) (a) If a vehicle, vessel, or outboard motor has a permanent manufacturer's identification number, the number shall be used as the vehicle's, vessel's, or outboard motor's identification number.
- (b) If it has no permanent manufacturer's identification number, the division shall assign an identification number to it.
- (c) An identification number assigned by the division shall be permanently affixed or imprinted on the vehicle, vessel, or outboard motor as directed by the division.
- (2) A person may not sell or offer for sale in this state a new vehicle, vessel, or outboard motor without an identification number.
- (3) (a) Each permanent manufacturer's identification number for a vehicle shall be clearly marked in an accessible place on a vehicle.
- (b) (i) Each permanent manufacturer's identification number for a vessel shall be clearly marked in an accessible place on the starboard outboard side of the transom or

to the starboard outboard side of the hull.

(ii) If the permanent manufacturer's identification number is displayed in a location other than on or near the starboard outboard side of the transom, the manufacturer shall notify the division of its location.

(4) A person may not destroy, remove, alter, or cover an identification number.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-804. Garagemen, repair shops, and service stations -- Duty to report number violations.

A person owning, conducting, managing, or operating a service station, marina, marine dealership, public garage, paint shop, or repair shop for vehicles, vessels, or outboard motors shall immediately notify the local peace officers of any vehicle, vessel, or outboard motor that has any identification number that has apparently been altered, obliterated, or removed.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-901. Odometer required.

Each motor vehicle required to be registered under this chapter shall be equipped with a properly functioning odometer.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-902. Odometer disclosure statement -- Contents -- Receipt -- Exceptions.

(1) Each motor vehicle certificate of title, at the time it is issued to the transferee, shall contain:

(a) the mileage disclosed by the transferor when ownership of the motor vehicle was transferred; and

(b) a space for the information required to be disclosed under this section at the time of future transfer of ownership.

(2) At the time of any sale or transfer of a motor vehicle, the transferor shall furnish to the transferee a written odometer disclosure statement in a form prescribed by the division. This statement shall be signed and certified as to its truthfulness by the transferor, stating:

(a) the date of transfer;

(b) the transferor's name and address;

(c) the transferee's name and address;

(d) the identity of the motor vehicle, including its make, model, year, body type, and identification number;

(e) the odometer reading at the time of transfer, not including tenths of miles or tenths of kilometers;

(f) (i) that to the best of the transferor's knowledge, the odometer reading reflects the amount of miles or kilometers the motor vehicle has actually been driven;

(ii) that the odometer reading reflects the amount of miles or kilometers in

excess of the designed mechanical odometer limit; or

(iii) that the odometer reading is not the actual amount of miles or kilometers;
and

(g) a warning to alert the transferee if a discrepancy exists between the odometer reading and the actual mileage.

(3) (a) Each transferee of a motor vehicle shall acknowledge receipt of the odometer disclosure statement required by Subsection (2) by signing it, and the transferor shall deliver to the transferee the original odometer disclosure statement. Both the transferor and the transferee shall retain a legible copy of the odometer disclosure statement for not less than four years.

(b) A dealer who is required under Section 41-3-301 to title and register a motor vehicle sold to a customer shall surrender the original odometer disclosure statement to the division and deliver a copy to the transferee.

(4) Notwithstanding the requirements of this section, the odometer mileage need not be disclosed by a transferor of:

(a) a single motor vehicle having a manufacturer specified gross laden weight rating of more than 16,000 pounds, or a motor vehicle registered in this state for a gross laden weight of 18,000 pounds or more;

(b) a motor vehicle that is 10 years old or older;

(c) a motor vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; or

(d) a new motor vehicle prior to its first transfer for purposes other than resale.

(5) If the motor vehicle has not been titled or if the certificate of title does not contain a space for the information required, the written disclosure shall be executed as a separate document.

(6) A person may not sign an odometer disclosure statement as both the transferor and the transferee in the same transaction.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 234, 1992 General Session

41-1a-903. Leased motor vehicles -- Disclosure of odometer information.

(1) (a) Before executing any transfer of ownership document, each lessor of a leased motor vehicle shall notify the lessee in writing that the lessee is required to provide a written disclosure to the lessor regarding the mileage.

(b) This notice shall state that failure to complete or providing false information may result in fines, imprisonment, or both.

(2) (a) In connection with the transfer of ownership of the leased motor vehicle, the lessee shall furnish to the lessor a written statement regarding the mileage of the motor vehicle.

(b) This statement must be signed by the lessee and shall contain all of the information required by Section 41-1a-902 and in addition the name and address of the lessee and the lessor.

(c) The statement shall be signed and certified as to its truthfulness by the lessee.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-904. Retention of statements by dealers -- Inspection.

(1) Each dealer required to execute and furnish an odometer mileage disclosure statement under Section 41-1a-902 shall retain at its primary place of business for four years after each transfer of a motor vehicle each statement that he receives and a legible copy of each statement that he issues in connection with those transfers.

(2) These statements shall be available for inspection by, and copies shall be furnished to, any peace officer during reasonable business hours.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-905. Division to print mileage on certificate of title -- Exceptions.

(1) The division, before accepting an application for transfer of ownership of a motor vehicle under Part 7, Transfer of Ownership, shall require the transferee to furnish the completed odometer disclosure statement required by Section 41-1a-902 and shall, upon the transfer of ownership, print the mileage on the new certificate of title.

(2) This section does not apply to motor vehicles exempted from mileage disclosure statements under Section 41-1a-902.

Amended by Chapter 295, 2010 General Session

41-1a-906. Repair or replacement of odometer -- Notice affixed to motor vehicle.

(1) Sections 41-1a-902 through 41-1a-905 do not prevent the repair or replacement of an odometer, provided the mileage indicated on the odometer remains the same as before the repair or replacement.

(2) Where the odometer is incapable of registering the same mileage as before the repair or replacement, the odometer shall be adjusted to zero and a notice in writing shall be affixed by the owner to the left door frame of the motor vehicle specifying the mileage prior to repair or replacement of the odometer and the date it was repaired or replaced.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1001. Definitions.

As used in Sections 41-1a-1001 through 41-1a-1008:

(1) "Certified vehicle inspector" means a person employed by the Motor Vehicle Enforcement Division as qualified through experience, training, or both to identify and analyze damage to vehicles with either unibody or conventional frames.

(2) "Major component part" means:

(a) the front body component of a motor vehicle consisting of the structure forward of the firewall;

(b) the passenger body component of a motor vehicle including the firewall, roof,

and extending to and including the rear-most seating;

(c) the rear body component of a motor vehicle consisting of the main cross member directly behind the rear-most seating excluding any auxiliary seating and structural body assembly rear of the cross members; and

(d) the frame of a motor vehicle consisting of the structural member that supports the auto body.

(3) (a) "Major damage" means damage to a major component part of the motor vehicle requiring 10 or more hours to repair or replace, as determined by a collision estimating guide recognized by the Motor Vehicle Enforcement Division.

(b) For purposes of Subsection (3)(a) repair or replacement hours do not include time spent on cosmetic repairs.

(4) "Nonrepairable certificate" means a certificate of ownership issued for a nonrepairable vehicle.

(5) "Nonrepairable vehicle" means a vehicle of a type otherwise subject to registration that:

(a) has no resale value except as a source of parts or scrap metal or that the owner irreversibly designates as a source of parts or scrap metal or for destruction;

(b) (i) has little or no resale value other than its worth as a source of a vehicle identification number that could be used illegally; and

(ii) (A) has been substantially stripped as a result of theft; or

(B) is missing all of the bolt-on sheet metal body panels, all of the doors and hatches, substantially all of the interior components, and substantially all of the grill and light assemblies; or

(c) is a substantially burned vehicle that:

(i) has burned to the extent that there are no more usable or repairable body or interior components, tires and wheels, or drive train components; or

(ii) the owner irreversibly designates for destruction or as having little or no resale value other than its worth as a source of scrap metal or as a source of a vehicle identification number that could be used illegally.

(6) "Owner" means the person who has the legal right to possession of the vehicle.

(7) (a) "Salvage certificate" means a certificate of ownership issued for a salvage vehicle before a new certificate of title is issued for the vehicle.

(b) A salvage certificate is not valid for registration purposes.

(8) "Salvage vehicle" means any vehicle:

(a) damaged by collision, flood, or other occurrence to the extent that the cost of repairing the vehicle for safe operation exceeds its fair market value; or

(b) that has been declared a salvage vehicle by an insurer or other state or jurisdiction, but is not precluded from further registration and titling.

(9) "Unbranded title" means a certificate of title for a previously damaged motor vehicle without any designation that the motor vehicle has been damaged.

(10) "Vehicle damage disclosure statement" means the form designed and furnished by the Motor Vehicle Enforcement Division for a damaged motor vehicle inspection under Section 41-1a-1002.

Amended by Chapter 390, 2012 General Session

41-1a-1002. Unbranded title -- Prerepair inspections -- Interim repair inspections -- Repair.

- (1) To obtain an unbranded title to a salvage vehicle:
 - (a) the vehicle must:
 - (i) be a motor vehicle;
 - (ii) (A) have an unbranded Utah title or a Utah salvage certificate issued to replace an unbranded Utah title at the time the motor vehicle is inspected under Subsection (1)(a)(iii); or
 - (B) have an unbranded title from another jurisdiction and the motor vehicle shall have been damaged in Utah as evidenced by an accident report;
 - (iii) be inspected by a certified vehicle inspector prior to any repairs on the motor vehicle following any major damage; and
 - (iv) have major damage in no more than one major component part;
 - (b) the major damage identified by a certified vehicle inspector under Subsection (1)(a) must be repaired in accordance with standards established by the Motor Vehicle Enforcement Division;
 - (c) any interim inspection required by a certified vehicle inspector must be completed in accordance with the directions of the initial certified vehicle inspector and to the satisfaction of the interim certified vehicle inspector; and
 - (d) the owner must apply to the Motor Vehicle Enforcement Division for authorization to obtain an unbranded title under Section 41-1a-1003.
- (2) A flood damaged motor vehicle does not qualify for an unbranded title.
- (3) A salvage vehicle that is seven years old or older at the time of application for unbranding does not qualify for an unbranded title.
- (4) The prerepair motor vehicle inspection required under Subsection (1) shall include examination of the motor vehicle and its major component parts to determine:
 - (a) the extent and location of the major damage to the motor vehicle;
 - (b) that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, or destroyed; and
 - (c) there are no indications that the vehicle or any of its parts are stolen.
- (5) If the certified vehicle inspector determines in an inspection under Subsection (1) that the motor vehicle has major damage:
 - (a) in more than one major component part, the certified vehicle inspector shall notify the Motor Vehicle Enforcement Division and the owner that the motor vehicle does not qualify for an unbranded title; or
 - (b) requiring repair or replacement in one or no major component part he shall:
 - (i) record on the vehicle damage disclosure statement the:
 - (A) date of the inspection;
 - (B) description of the motor vehicle including its vehicle identification number, make, model, and year of manufacture;
 - (C) owner of the motor vehicle and name of the lienholder, if any, shown on the salvage certificate; and
 - (D) major damage to the motor vehicle requiring repair or replacement;
 - (ii) indicate that the motor vehicle may qualify for an unbranded title if the major damage is repaired or the damaged part is replaced;
 - (iii) sign the vehicle damage disclosure statement and attest to the information's

accuracy;

(iv) indicate whether an interim inspection of the motor vehicle damage repairs is required and which repairs require inspection prior to completion of repair work;

(v) give to the owner a copy of the vehicle damage disclosure statement and deliver or mail a copy of the statement to the lienholder, if any, shown on the salvage certificate; and

(vi) file the original vehicle damage disclosure statement with the Motor Vehicle Enforcement Division.

(6) (a) Upon receipt by the Motor Vehicle Enforcement Division of notification from a certified vehicle inspector that a motor vehicle has had a prerrepare inspection, the Motor Vehicle Enforcement Division shall make a record of the inspection.

(b) Any subsequent prerrepare inspections shall be disregarded by the Motor Vehicle Enforcement Division in evaluating the major damage to the motor vehicle and the repairs required.

(7) A person who repairs or replaces major damage identified by a certified vehicle inspector on a motor vehicle in accordance with Subsection (1) shall:

(a) record on the vehicle damage disclosure statement:

(i) a description of the repairs made to the motor vehicle including how they were made; and

(ii) his signature following the repair description with an attestation that the description is accurate;

(b) obtain the signature of the certified vehicle inspector who performs an interim inspection, attesting that the repairs identified for interim inspection were satisfactorily completed;

(c) file the original vehicle damage disclosure statement containing the repair information with the Motor Vehicle Enforcement Division; and

(d) give a copy of the vehicle damage disclosure statement to the owner.

Amended by Chapter 324, 2010 General Session

41-1a-1003. Unbranded certificate of title -- Application.

(1) If the certified vehicle inspector determines under Section 41-1a-1002 that a motor vehicle may qualify for an unbranded title, following repair or replacement of the damaged major component part of the vehicle identified by the certified vehicle inspector, the owner may submit an application to the Motor Vehicle Enforcement Division for issuance of an unbranded title.

(2) The applicant for an unbranded title shall submit to the Motor Vehicle Enforcement Division an application together with the vehicle damage disclosure statement and other supporting documents required by the Motor Vehicle Enforcement Division.

(3) The Motor Vehicle Enforcement Division shall make an independent determination based on the vehicle damage disclosure statement and other relevant documents whether the motor vehicle is qualified to receive an unbranded title.

Amended by Chapter 221, 1993 General Session

41-1a-1004. Certificate of title -- Salvage vehicles.

(1) If the division is able to ascertain the fact, at the time application is made for initial registration or transfer of ownership of a salvage vehicle, the title shall be branded:

- (a) rebuilt and restored to operation;
- (b) in a flood and restored to operation; or
- (c) not restored to operation.

(2) (a) (i) Except as provided in Subsection (2)(b), before the sale of a vehicle for which a salvage certificate or branded title has been issued, the seller shall provide the prospective purchaser with written notification that a salvage certificate or a branded title has been issued for the vehicle.

(ii) If the vehicle is a salvage vehicle, the notification shall be as required in Section 41-1a-1005.3.

(b) The requirement to provide written notification under Subsection (2)(a) does not apply if the prospective purchaser is:

- (i) a licensed motor vehicle dealer whose primary business is auctioning salvage motor vehicles to licensed salvage vehicle buyers; or
- (ii) an insurance company, if the sale of the vehicle is the result of a total loss settlement.

(3) (a) An advertisement for the sale of a vehicle for which a salvage certificate or branded title has been issued shall disclose that a salvage certificate or branded title has been issued for the vehicle.

(b) The advertisement disclosure under Subsection (3)(a) shall:

- (i) be displayed at least as prominently as the description of the advertised vehicle is displayed; and
- (ii) use the words "salvage certificate" or "branded title" in the advertisement.

Amended by Chapter 463, 2013 General Session

41-1a-1005. Salvage vehicle -- Declaration by insurance company -- Surrender of title -- Salvage certificate of title.

(1) (a) (i) Except as provided in Subsection (1)(a)(iii) or (iv), if an insurance company declares a vehicle a salvage vehicle and takes possession of the vehicle for disposal, or an insurance company pays off the owner of a vehicle that is stolen and not recovered, the insurance company shall within 10 days from the settlement of the loss surrender to the division the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a salvage certificate in the insurance company's name.

(iii) The division shall issue a salvage certificate in an insurance company's name no sooner than 30 days from the settlement of the loss if the insurance company:

- (A) declares a vehicle a salvage vehicle;
- (B) issues settlement payment to the registered owner of the vehicle;
- (C) has contacted the owner of the vehicle at least two times requesting certificate of title or other evidence of ownership acceptable to the division and the owner has not responded to the requests; and

(D) has presented the division evidence of the settlement and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iii) on a form prescribed by the division.

(iv) The division shall issue a salvage certificate in an insurance company's name no sooner than 30 days from the receipt of an improperly endorsed certificate of title if the insurance company:

(A) declares a vehicle a salvage vehicle;

(B) has contacted the owner of the vehicle at least two times requesting correction of the improperly endorsed certificate of title and the owner of the vehicle has not responded to the requests; and

(C) has presented the division evidence of the settlement, the improperly endorsed certificate of title, and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iv) on a form prescribed by the division.

(v) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the requirements for an insurance company to prove that it has complied with the requirements of Subsection (1)(a)(iii) or (iv) to receive a salvage certificate.

(b) (i) If the owner of a salvage vehicle retains possession of the vehicle, the insurance company shall within 10 days from the settlement of the loss notify the division of the retention on a form prescribed by the division.

(ii) The insurance company shall notify the owner of the vehicle of his responsibility to comply with this section.

(iii) The owner shall within 10 days from the settlement of the loss surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.

(iv) The division shall then issue a salvage certificate in the owner's name.

(c) (i) When a salvage vehicle is not the subject of an insurance settlement, a self-insurer or an owner who is uninsured shall within 10 days of the damage surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a salvage certificate in the owner's name.

(d) (i) If a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, takes possession of any salvage vehicle for which there is not already issued a branded title or salvage certificate from the division or another jurisdiction, the dealer shall within 10 days surrender to the division the certificate of title or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a salvage certificate in the applicant's name.

(2) Any person, insurance company, or dealer licensed under Title 41, Chapter 3, Part 2, Licensing, who fails to obtain a salvage certificate as required in this section or who sells a salvage vehicle without first obtaining a salvage certificate is guilty of a class B misdemeanor.

(3) This section does not apply to a vehicle:

(a) that has an undamaged, wholesale value of \$2,000 or less; or

(b) if a salvage certificate has been issued by another state or jurisdiction for the salvage vehicle.

(4) Upon sale or disposal of a salvage vehicle, the seller shall deliver to the

purchaser the properly endorsed salvage certificate within 48 hours as required in Section 41-1a-1310, or if the seller is a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, the dealer shall comply with Section 41-3-301.

(5) Except as provided in Subsection (1), this chapter does not apply to a motor vehicle that has been stolen or taken without the consent of the owner until the motor vehicle has been recovered, and then it applies only if the motor vehicle is a salvage vehicle.

Amended by Chapter 387, 2012 General Session

41-1a-1005.3. Resale of salvage vehicles.

(1) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or exchanged by an owner, that is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction with the knowledge that it is a salvage vehicle without prior written disclosure being given to any prospective purchaser.

(2) For a disclosure required by Subsection (1), the following disclosure language shall be contained in each contract for sale or lease of a salvage vehicle to a purchaser or shall be contained in a form affixed to a contract, lease, bill of sale, or any other document that transfers title:

"THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE DISCLOSURE STATEMENT

Vehicle Identification Number (VIN)

Year: Make: Model:

SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE

WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE.

Signature of Purchaser

Date"

Enacted by Chapter 390, 2012 General Session

41-1a-1005.5. Non-repairable vehicle -- Declaration by insurance company -- Surrender of title -- Nonrepairable certificate of title.

(1) (a) (i) Except as provided in Subsection (1)(a)(iii) or (iv), if an insurance company declares a vehicle as a nonrepairable vehicle and takes possession of the vehicle for disposal, the insurance company shall, within 10 days from the receipt of the title with any lien release, surrender to the division the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a nonrepairable certificate in the insurance company's name.

(iii) The division shall issue a nonrepairable certificate in an insurance company's name no sooner than 30 days from the settlement of the loss if the insurance company:

- (A) declares a vehicle a nonrepairable vehicle;
- (B) issues settlement payment to the registered owner of the vehicle;
- (C) has contacted the owner of the vehicle at least two times requesting certificate of title or other evidence of ownership acceptable to the division and the owner has not responded to the requests; and
- (D) has presented the division evidence of the settlement and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iii) on a form prescribed by the division.

(iv) The division shall issue a nonrepairable certificate in an insurance company's name no sooner than 30 days from the receipt of an improperly endorsed certificate of title if the insurance company:

- (A) declares a vehicle a nonrepairable vehicle;
- (B) has contacted the owner of the vehicle at least two times requesting correction of the improperly endorsed certificate of title and the owner of the vehicle has not responded to the requests; and
- (C) has presented the division evidence of the settlement, the improperly endorsed certificate of title, and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iv) on a form prescribed by the division.

(v) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the requirements for an insurance company to prove that it has complied with the requirements of Subsection (1)(a)(iii) or (iv) to receive a nonrepairable certificate.

(b) (i) If the owner of a nonrepairable vehicle retains possession of the vehicle, the insurance company shall, within 10 days from the settlement of the loss, notify the division of the retention on a form prescribed by the division.

(ii) The insurance company shall notify the owner of the vehicle of the owner's responsibility to comply with this section.

(iii) The owner shall, within 10 days from the settlement of the loss, surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.

(iv) The division shall then issue a nonrepairable certificate in the owner's name.

(c) (i) When a nonrepairable vehicle is not the subject of an insurance settlement, a self-insurer or an owner who is uninsured shall, within 10 days of the self-insurer's or owner's determination that a vehicle is non-repairable, surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a nonrepairable certificate in the owner's name.

(d) (i) If a dealer licensed under Chapter 3, Part 2, Licensing, takes possession of any nonrepairable vehicle for which there is not already issued a branded title or nonrepairable certificate from the division or another jurisdiction, the dealer shall, within 10 days, surrender to the division the certificate of title or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a nonrepairable certificate in the applicant's

name.

(2) Any person, insurance company, or dealer licensed under Chapter 3, Part 2, Licensing, who fails to obtain a nonrepairable certificate as required in this section or who sells a nonrepairable vehicle without first obtaining a nonrepairable certificate from the division or a branded title or non-repairable vehicle certificate from another jurisdiction is guilty of a class B misdemeanor.

(3) This section does not apply to a vehicle that has an undamaged, wholesale value of \$2,000 or less.

(4) Upon sale or disposal of a nonrepairable vehicle, the seller shall deliver to the purchaser the properly endorsed nonrepairable certificate within 48 hours as required in Section 41-1a-1310.

(5) This chapter does not apply to a motor vehicle that has been stolen or taken without the consent of the owner until the motor vehicle has been recovered, and then it applies only if the motor vehicle is a nonrepairable vehicle.

(6) It is unlawful for a person to repair, reconstruct, or restore a nonrepairable vehicle.

(7) A non-repairable vehicle may be sold to a crusher or as provided in Subsection 41-3-201(3).

Enacted by Chapter 390, 2012 General Session

41-1a-1006. Vehicle damaged out-of-state -- Division to make a record.

(1) If a vehicle that is titled in this state is damaged in another state or jurisdiction but would require a salvage certificate in this state and the vehicle is not returned to the state, the owner of the vehicle must notify the purchaser and the division that if the vehicle is subsequently titled in Utah the certificate of title will be branded as a salvage vehicle.

(2) The division shall make a record of the damage.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 239, 1992 General Session

41-1a-1007. Fees.

(1) A certified vehicle inspector may charge a fee in accordance with Section 63J-1-504 for each inspection under Subsection 41-1a-1002(1).

(2) To cover the costs of inspection and to defray the cost of certification, the fee charged under this section by a certified vehicle inspector shall be retained by the Motor Vehicle Enforcement Division as a dedicated credit.

Amended by Chapter 183, 2009 General Session

41-1a-1008. Criminal penalty for violation.

(1) Except as provided in Subsection (2) or unless otherwise provided, it is a class A misdemeanor to knowingly violate Sections 41-1a-1001 through 41-1a-1007.

(2) Any owner, who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201, who

knowingly or intentionally conceals, removes, destroys, or alters a disclosure statement or a certificate of title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3 is guilty of a:

- (a) class A misdemeanor; or
- (b) third degree felony if the person has previously been convicted two or more times of knowingly or intentionally concealing, removing, destroying, or altering a disclosure statement or a certificate of title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3.

(3) Criminal penalties under this chapter are not exclusive, but are in addition to those under Section 76-10-1801.

(4) Each vehicle sold, offered for sale, or displayed for sale in violation of Section 41-1a-1005.3 shall be a separate offense.

Amended by Chapter 463, 2013 General Session

41-1a-1008.5. Private cause of action.

(1) Any owner who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201 and who violates Section 41-1a-1005.3 is liable to the purchaser for:

- (a) actual damages if the purchaser elects to retain the salvage vehicle, or the value of the consideration paid for the salvage vehicle if the purchaser elects rescission;
- (b) the costs of the action and reasonable attorney fees;
- (c) up to three times the value of the actual damages or the consideration as exemplary damages; and
- (d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.

(2) Actual damages include:

- (a) the difference between the actual market value of the salvage vehicle or nonconforming vehicle at the time of purchase and the contract price;
- (b) towing;
- (c) repair;
- (d) storage expenses;
- (e) rental of substitute transportation;
- (f) food and lodging expenses;
- (g) lost wages;
- (h) finance charges;
- (i) sales or use tax;
- (j) other governmental fees;
- (k) lease charges; and
- (l) other incidental and consequential damages.

(3) The remedies provided in this section are not exclusive but are in addition to any other remedies provided by law.

Enacted by Chapter 463, 2013 General Session

41-1a-1009. Abandoned and inoperable vehicles, vessels, and outboard

motors -- Determination by commission -- Disposal of vehicles.

- (1) A vehicle, vessel, or outboard motor is abandoned and inoperable when:
 - (a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator or agent appointed by the commission; and
 - (b) the authorized investigator or agent has made a written determination that the vehicle, vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as designed by the manufacturer or is a derelict vessel as defined in Section 73-18-2.
- (2) (a) Before issuing a written determination under Subsection (1), a signed statement is required from the purchaser of the vehicle, vessel, or outboard motor for salvage, identifying the vehicle, vessel, or outboard motor by identification number and certifying that the inoperable vehicle, vessel, or outboard motor will not be rebuilt, reconstructed, or in any manner allowed to operate as designed by the manufacturer.
 - (b) The operator of the junk or salvage yard disposing of an inoperable vehicle, vessel, or outboard motor is required to keep copies of the signed statements and other written records required by the commission.
- (3) Upon a determination that a vehicle, vessel, or outboard motor is inoperable and cannot be rebuilt or reconstructed, the vehicle, vessel, or outboard motor may be converted to scrap or otherwise disposed of without necessity of compliance with the requirements of Sections 41-1a-1010 and 41-1a-1011.

Amended by Chapter 386, 2011 General Session

41-1a-1010. Permit required to dismantle vehicle -- Duties upon receiving the permit -- Exceptions.

- (1) (a) A person may not scrap, dismantle, destroy, or otherwise change any vehicle so that it loses its character, until the person submits to the division:
 - (i) the certificate of title for the vehicle for cancellation; and
 - (ii) an application for a permit to dismantle the vehicle.
 - (b) Upon approval of the application, the division shall issue a permit to dismantle the vehicle.
- (2) Except as provided in Subsection (3), if a permit to dismantle is issued under this section, the vehicle shall be destroyed and may not be rebuilt or reconstructed and may not be retitled or registered.
- (3) A vehicle for which a permit to dismantle has been issued by the division may be retitled and the permit to dismantle rescinded if:
 - (a) prior to receiving a dismantling permit the vehicle had a Utah certificate of title;
 - (b) the vehicle has not been dismantled;
 - (c) an investigator for the Motor Vehicle Enforcement Division of the commission determines after a physical inspection of the vehicle that it is the same vehicle for which the permit to dismantle was issued; and
 - (d) the applicant pays the fee under Subsection (4).
- (4) The commission may collect a fee established in accordance with Section 63J-1-504 to cover the expenses of an inspection under Subsection (3).

Amended by Chapter 183, 2009 General Session

41-1a-1011. Use of dismantling permit.

The permit to dismantle issued under Section 41-1a-1010:

- (1) requires the owner to dismantle the vehicle described in the permit unless the vehicle is retitled as provided in Subsection 41-1a-1010(3); and
- (2) entitles the owner of the vehicle to transport the vehicle to the place of business of a dismantler, crusher, or salvage dealer licensed under the provisions of Title 41, Chapter 3, Part 2, Licensing.

Amended by Chapter 210, 1993 General Session

41-1a-1012. Destruction or change of vessel or outboard motor -- Cancellation of certificate of title.

Within 15 days after a vessel or outboard motor is scrapped, dismantled, destroyed, or changed so that it loses its character as a vessel or outboard motor, the title holder to the vessel or outboard motor shall mail or deliver the certificate of title to the division for cancellation.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1101 (Superseded 01/01/15). Seizure -- Circumstances where permitted -- Impound lot standards.

(1) (a) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:

- (i) that the division or the peace officer has reason to believe has been stolen;
- (ii) on which any identification number has been defaced, altered, or obliterated;
- (iii) that has been abandoned in accordance with Section 41-6a-1408;
- (iv) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;
- (v) that is placed on the water with improper registration;
- (vi) that is being operated on a highway:
 - (A) with registration that has been expired for more than three months;
 - (B) having never been properly registered by the current owner;
 - (C) with registration that is suspended or revoked; or
 - (D) subject to the restriction in Subsection (1)(b), without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301; or
- (vii) (A) that the division or the peace officer has reason to believe has been involved in an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
 - (B) whose operator did not remain at the scene of the accident until the operator fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.

(b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (1)(a)(vi)(D) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer verifies that owner's or operator's security is

not in effect for the vehicle through the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section 41-6a-1406.

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.

(b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.

(5) (a) Except as provided under Subsection (5)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.

(b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (5)(a).

(6) A person who violates the provisions of Subsection (5) is guilty of a class C misdemeanor.

(7) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:

(a) the vehicle is equipped with an odometer; and

(b) the odometer reading is accessible to the division or the peace officer.

Amended by Chapter 246, 2011 General Session

41-1a-1102. Storage -- Establishing ownership.

(1) The division may store a seized vehicle, vessel, or outboard motor in a public or private garage, state impound lot, or other approved storage facility until the vehicle's, vessel's, or outboard motor's registration has been properly completed and the appropriate fees have been paid or until the ownership of the vehicle, vessel, or outboard motor is established to the satisfaction of the division.

(2) If the identification number has been defaced, altered, or obliterated, the vehicle, vessel, or outboard motor may not be released until the identification number has been replaced or until a new number assigned by the division has been provided and has been affixed to the vehicle, vessel, or outboard motor.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1103 (Superseded 01/01/15). Sale.

(1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard motor.

(2) The sale shall:

- (a) be held in the form of a public auction at the place of storage; and
- (b) at the discretion of the division, be conducted by:
 - (i) an authorized representative of the division; or
 - (ii) a public garage, impound lot, or impound yard that:
 - (A) is authorized by the division;
 - (B) meets the standards under Subsection 41-1a-1101(4); and
 - (C) complies with the requirements of Section 72-9-603.
- (3) At least five days prior to the date set for sale, the division shall publish a notice of sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or outboard motor to be sold:
 - (a) on the division's website; and
 - (b) as required in Section 45-1-101.
- (4) At the time of sale the division or other person authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the vehicle, vessel, or outboard motor.
- (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this section shall be distributed as provided under Section 41-1a-1104.
- (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days from the date of release, the division shall renotify the owner or lienholder and sell the vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of the notice.

Amended by Chapter 295, 2010 General Session

41-1a-1104. Disposition of proceeds from sale.

- (1) If, for purposes of this part and Section 41-1a-1301, the ownership of a vehicle, vessel, or outboard motor seized cannot be determined, the excess of the proceeds of any sale over the fees for registration or transfer and penalties and costs shall be deposited with the state treasurer in a suspense account.
- (2) (a) If the owner or the owner's heirs or assigns file a claim for the excess of the proceeds within one year of date of sale of the vehicle, vessel, or outboard motor, the excess of the proceeds shall be refunded to the claimant.
- (b) If a claim is not filed in accordance with Subsection (2)(a), then the money shall be deposited in the General Fund.

Amended by Chapter 56, 2005 General Session

41-1a-1105. Records to be kept by public garage, impound lot, or impound yard.

- (1) (a) Each person engaged in the business of operating a public garage, impound lot, or impound yard shall keep a record of every vehicle, vessel, or outboard motor stored in it for compensation for a period longer than 12 hours.
- (b) The record shall include:
 - (i) the name and address of the person storing the vehicle, vessel, or outboard

motor;

(ii) a brief description of the vehicle, vessel, or outboard motor, including the name or make, identification number, and license number shown by the license plates; and

(iii) the mileage shown on the vehicle's odometer both upon arrival at and upon its release from the public garage, impound lot, or impound yard, if the vehicle is equipped with an odometer.

(2) Every record kept under Subsection (1) shall be open to inspection by any peace officer.

Amended by Chapter 281, 1998 General Session

41-1a-1106. Storage of vehicles, vessels, and outboard motors -- Reports required.

If any vehicle, vessel, or outboard motor has been stored in a public garage, state impound lot, or other storage facility for 10 days and the owner is unknown to the proprietor, on the 11th day of storage the proprietor shall report the presence of the vehicle, vessel, or outboard motor to the law enforcement agency in the city or county where the garage, lot, or facility is located.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (6), and (7) and Sections 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited in the Transportation Fund.

(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.

(5) (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.

(6) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created under Section 72-2-124:

(i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a),

(1)(b), (1)(f), (3), and (6);

(ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);

(iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

(v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i);

and

(vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

(b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124:

(i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a);

and

(ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(b).

(7) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.

(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.

Amended by Chapter 207, 2012 General Session

Amended by Chapter 207, 2012 General Session

Amended by Chapter 356, 2012 General Session

Amended by Chapter 356, 2012 General Session

Amended by Chapter 397, 2012 General Session

Amended by Chapter 397, 2012 General Session, (Coordination Clause)

41-1a-1202. Refused or rejected application -- Refunds.

If an application to the division is accompanied by any fees required by law and the application is refused or rejected, the fees shall be returned immediately to the applicant.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1203. Application for refund.

If the division through error collects any fee not required to be paid, the fee shall be refunded to the person paying the fee upon written application for a refund made within six months after date of the payment.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1204. Automobile driver education fee -- Amount -- When paid -- Exception.

(1) Each year there is levied and shall be paid to the commission the automobile

driver education fee.

(2) (a) Except as provided in Subsections (2)(b) and (c), the fee is \$2.50 upon each motor vehicle to be registered for a one-year registration period.

(b) The fee is \$2.00 upon each motor vehicle to be registered under Section 41-1a-215.5 for a six-month registration period.

(c) The following registrations are exempt from the fee in Subsection (2)(a) or (b):

- (i) a motorcycle registration; and
- (ii) a registration of a vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421.

Amended by Chapter 397, 2012 General Session

41-1a-1205. Disposition of driver education tax -- Expense appropriation.

(1) The automobile driver education tax collected under Section 41-1a-1204 shall be placed to the credit of the Automobile Driver Education Tax Account within the Uniform School Fund.

(2) The necessary expenses of the commission incurred in the administration and collection of the tax shall be paid from its legislative appropriation in the General Fund, which fund shall be reimbursed by a transfer for the expenses from the legislative appropriation of the Uniform School Fund.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1206 (Superseded 01/01/15). Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

- (a) \$44.50 for each motorcycle;
 - (b) \$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
 - (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
 - (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
 - (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
 - (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;
 - (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and
 - (f) \$45 for each vintage vehicle that is less than 40 years old.
- (2) At the time application is made for registration or renewal of registration of a

vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:

- (a) \$33.50 for each motorcycle; and
- (b) \$32.50 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles.

(3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is \$40.

(b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).

(c) A vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the registration fees under Subsection (1).

(4) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.

(5) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.

(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.

(6) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.

(7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

- (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
- (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(8) A violation of Subsection (7) is a class B misdemeanor that shall be punished by a fine of not less than \$200.

(9) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Amended by Chapter 356, 2012 General Session

Amended by Chapter 356, 2012 General Session

Amended by Chapter 397, 2012 General Session

Amended by Chapter 397, 2012 General Session, (Coordination Clause)

41-1a-1207. Reduced fees for portion of year.

If a motor vehicle exceeding 12,000 pounds gross laden weight is registered for less than a 12-month registration period, the registration fees are:

- (1) for not more than three months, 30% of the regular registration fee;
- (2) for in excess of three months but not more than six months, 60% of the regular registration fee;

(3) for in excess of six months and not more than nine months, 90% of the regular registration fee; and

(4) for anything in excess of nine months but not more than 12 months, the entire registration fee.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 54, 1992 General Session

41-1a-1208. Fees for duplicate certificates of registration.

A duplicate certificate of registration may be issued upon application and payment of \$4 to the division.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1209. Exemptions from registration fees.

(1) A fee may not be charged for the registration of ambulances, law enforcement vehicles, fire engines, and passenger cars and trucks owned and used by the United States government or by the state of Utah or any of its political subdivisions.

(2) A fee may not be charged municipal corporations for the issuance of any certificate of title or registration or a duplicate certificate of title or registration.

Amended by Chapter 210, 2008 General Session

41-1a-1210. Fees for original and duplicate certificates of title.

A fee of \$6 shall be paid to the division for the issuance of each original and duplicate certificate of title for a vehicle, vessel, or outboard motor.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1211. License plate fees -- Application fees for issuance and renewal of personalized and special group license plates -- Replacement fee for license plates -- Postage fees.

(1) (a) Except as provided in Subsections (11) and (12), a license plate fee established in accordance with Section 63J-1-504 shall be paid to the division for the issuance of any new license plate under Part 4, License Plates and Registration Indicia.

(b) The license plate fee shall be deposited as follows:

(i) \$1 in the Transportation Fund; and

(ii) the remainder of the fee charged under Subsection (1)(a), as provided in Section 41-1a-1201.

(2) An applicant for original issuance of personalized license plates issued under Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in Subsection (1).

(3) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a \$5 fee for the original set of license plates in addition to the fee required under Subsection (1).

(4) An applicant for original issuance of personalized special group license

plates shall pay the license plate application fees required in Subsection (2) in addition to the license plate fees and license plate application fees established under Subsections (1) and (3).

(5) An applicant for renewal of personalized license plates issued under Section 41-1a-410 shall pay a \$10 per set application fee.

(6) (a) The division may charge a fee established under Section 63J-1-504 to recover the costs for the replacement of any license plate issued under Part 4, License Plates and Registration Indicia.

(b) The license plate fee shall be deposited as follows:

(i) \$1 in the Transportation Fund; and

(ii) the remainder of the fee charged under Subsection (6)(a), as provided in Section 41-1a-1201.

(7) The division may charge a fee established under Section 63J-1-504 to recover its costs for the replacement of decals issued under Section 41-1a-418.

(8) The division may charge a fee established under Section 63J-1-504 to recover the cost of issuing stickers under Section 41-1a-416.

(9) In addition to any other fees required by this section, the division shall assess a fee established under Section 63J-1-504 to cover postage expenses if new or replacement license plates are mailed to the applicant.

(10) The fees required under this section are separate from and in addition to registration fees required under Section 41-1a-1206.

(11) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject to the license plate fee under Subsection (1).

(b) An applicant for a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the fees under Subsections (1), (3), and (7).

(12) A person is exempt from the fee under Subsection (1) or (6) if the person:

(a) was issued a clean fuel special group license plate in accordance with Section 41-1a-418 prior to the effective date of rules made by the Department of Transportation under Subsection 41-6a-702(5)(b);

(b) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special group license plate under the rules made by the Department of Transportation; and

(c) upon renewal or reissuance, is required to replace the clean fuel special group license plate with a new license plate.

(13) Until June 30, 2011, a person is exempt from the license plate fee under Subsection (1) or (6) if the person:

(a) was issued a firefighter recognition special group license plate in accordance with Section 41-1a-418 prior to July 1, 2009;

(b) upon renewal of the person's vehicle registration on or after July 1, 2009, is not a contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418; and

(c) is required to replace the firefighter special group license plate with a new license plate in accordance with Section 41-1a-418.

Amended by Chapter 189, 2011 General Session

41-1a-1212 (Superseded 01/01/15). Fee for replacement of license plate decals.

A fee established in accordance with Section 63J-1-504 shall be paid to the division for the replacement of a license plate decal required by Section 41-1a-402.

Amended by Chapter 183, 2009 General Session

41-1a-1213. No fee for identification number inspection.

A fee may not be charged an applicant for vehicle registration under this chapter for an identification number inspection.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1218. Uninsured motorist identification fee for tracking motor vehicle insurance -- Exemption -- Deposit.

(1) (a) Except as provided in Subsections (1)(b) and (c), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay an uninsured motorist identification fee of \$1 on each motor vehicle.

(b) Except as provided in Subsection (1)(c), at the time application is made for registration or renewal of registration of a motor vehicle for a six-month registration period under Section 41-1a-215.5, the applicant shall pay an uninsured motorist identification fee of 75 cents on each motor vehicle.

(c) The following are exempt from the fee required under Subsection (1)(a) or (b):

(i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or Section 41-1a-301;

(ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and

(iii) a motor vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421.

(2) The revenue generated under this section shall be deposited in the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.

Amended by Chapter 397, 2012 General Session

41-1a-1219. Motor carrier fee.

(1) At the time application is made for registration or renewal of registration of a motor vehicle or combination of motor vehicles over 12,000 pounds gross laden weight, the applicant shall pay a motor carrier fee of \$6 for each motor vehicle or combination of motor vehicles.

(2) This fee is in addition to the registration fees under Subsections 41-1a-1206(1)(d) and (e).

Enacted by Chapter 170, 1996 General Session

41-1a-1220. Registration reinstatement fee.

(1) At the time application is made for reinstatement or renewal of registration of a motor vehicle after a revocation of the registration under Subsection 41-1a-110(2), the applicant shall pay a registration reinstatement fee of \$100.

(2) The fee imposed under Subsection (1):

(a) is in addition to any other fee imposed under this chapter; and

(b) shall be deposited in the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.

(3) The division shall waive the registration reinstatement fee imposed under this section if:

(a) the registration was revoked under Subsection 41-1a-110(2)(a)(ii); and

(b) a person had owner's or operator's security in effect for the vehicle at the time of the alleged violation or on the day following the time limit provided after the second notice under Subsection 41-12a-804(2).

Amended by Chapter 322, 2008 General Session

41-1a-1221. Fees to cover the cost of electronic payments.

(1) As used in this section:

(a) "Electronic payment" means use of any form of payment processed through electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.

(b) "Electronic payment fee" means the fee assessed to defray:

(i) the charge, discount fee, or processing fee charged by credit card companies or processing agents to process an electronic payment; or

(ii) costs associated with the purchase of equipment necessary for processing electronic payments.

(2) (a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a), (2)(b), and (3).

(b) The fee described in Subsection (2)(a):

(i) shall be imposed regardless of the method of payment for a particular transaction; and

(ii) need not be separately identified from the fees imposed for registration and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a), (2)(b), and (3).

(3) The division shall establish the fee according to the procedures and requirements of Section 63J-1-504.

(4) A fee imposed under this section:

(a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121; and

(b) is not subject to Subsection 63J-2-202(2).

Amended by Chapter 397, 2012 General Session

41-1a-1222. Local option highway construction and transportation corridor preservation fee -- Exemptions -- Deposit -- Transfer -- County ordinance -- Notice.

(1) (a) (i) Except as provided in Subsection (1)(a)(ii), a county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$10 on each motor vehicle registration within the county.

(ii) A county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$7.75 on each motor vehicle registration for a six-month registration period under Section 41-1a-215.5 within the county.

(iii) A fee imposed under Subsection (1)(a)(i) or (ii) shall be set in whole dollar increments.

(b) If imposed under Subsection (1)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option highway construction and transportation corridor preservation fee established by the county legislative body.

(c) The following are exempt from the fee required under Subsection (1)(a):

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3);

(ii) a commercial vehicle with an apportioned registration under Section 41-1a-301; and

(iii) a motor vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421.

(2) (a) Except as provided in Subsection (2)(b), the revenue generated under this section shall be:

(i) deposited in the Local Transportation Corridor Preservation Fund created in Section 72-2-117.5;

(ii) credited to the county from which it is generated; and

(iii) used and distributed in accordance with Section 72-2-117.5.

(b) The revenue generated by a fee imposed under this section in a county of the first class shall be deposited or transferred as follows:

(i) 50% of the revenue shall be:

(A) deposited in the County of the First Class State Highway Projects Fund created in Section 72-2-121; and

(B) used in accordance with Section 72-2-121;

(ii) 20% of the revenue shall be:

(A) transferred to the legislative body of a city of the first class:

(I) located in a county of the first class; and

(II) that has:

(Aa) an international airport within its boundaries; and

(Bb) a United States customs office on the premises of the international airport described in Subsection (2)(b)(ii)(A)(II)(Aa); and

(B) used by the city described in Subsection (2)(b)(ii)(A) for highway construction, reconstruction, or maintenance projects; and

(iii) 30% of the revenue shall be deposited, credited, and used as provided in Subsection (2)(a).

(3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

- (a) approving the fee;
- (b) setting the amount of the fee; and
- (c) providing an effective date for the fee as provided in Subsection (4).

(4) (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to April 1.

- (b) The notice described in Subsection (4)(a) shall:
 - (i) state that the county will enact, change, or repeal a fee under this part;
 - (ii) include a copy of the ordinance imposing the fee; and
 - (iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Amended by Chapter 397, 2012 General Session

41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County ordinance -- Notice.

(1) (a) (i) A county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee of up to:

(A) \$3 on each motor vehicle registration within the county for a motor vehicle registration under Section 41-1a-215; or

(B) \$2.25 on each motor vehicle registration within the county for a six-month registration period under Section 41-1a-215.5.

(ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

(b) If imposed under Subsection (1)(a)(i), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local emissions compliance fee established by the county legislative body.

(c) The following are exempt from the fee required under Subsection (1)(a)(i):

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and

(ii) a commercial vehicle with an apportioned registration under Section 41-1a-301.

(2) The revenue generated from the fees collected under this section shall be transferred to the county that imposed the fee.

(3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

- (a) approving the fee;
- (b) setting the amount of the fee; and
- (c) providing an effective date for the fee as provided in Subsection (4).

(4) (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on January 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to October 1.

(b) The notice described in Subsection (4)(a) shall:

- (i) state that the county will enact, change, or repeal a fee under this section;
- (ii) include a copy of the ordinance imposing the fee; and
- (iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Amended by Chapter 113, 2013 General Session

Amended by Chapter 113, 2013 General Session

41-1a-1224. Credit for registering an off-highway vehicle as a street-legal all-terrain vehicle.

(1) Beginning on the date that the division has implemented the division's GenTax system, the division shall provide a credit against the fees and taxes charged to a person registering a street-legal all-terrain vehicle under Title 41, Chapter 1a, Motor Vehicle Act, if:

(a) the street-legal all-terrain vehicle was registered as an off-highway vehicle under Section 41-22-3 upon being purchased from a dealer licensed under Title 41, Chapter 3, Part 2, Licensing; and

(b) not more than 30 days have passed since the division issued the off-highway vehicle registration specified under Subsection (1)(a).

(2) The amount of the credit provided under Subsection (1) shall be the amount of taxes and fees paid by the person to the division for the off-highway vehicle registration described in Subsection (1)(a).

Enacted by Chapter 446, 2013 General Session

41-1a-1301. Unpaid fees and penalty -- Lien -- Seizure and sale.

(1) (a) Every registration fee and penalty not paid by the due date is a lien upon all:

(i) the unexempt personal property of the owner or operator of the vehicle, vessel, or outboard motor; and

(ii) interest or equity of the owner or operator in all personal property, including vehicles, vessels, or outboard motors used by the owner or operator in the conduct or operation of his business.

(b) The properties and vehicles, vessels, or outboard motors may be held under warrant, issued by the commission, and sold in accordance with the law applicable to personal property taxes.

(2) Delinquency is a ground for the issuance of a writ of attachment against the owner or operator.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1302. Violations class C misdemeanor.

A violation of any provision of this chapter is a class C misdemeanor, unless otherwise provided.

Enacted by Chapter 1, 1992 General Session

41-1a-1303. Driving without registration or certificate of title.

Except as provided in Section 41-1a-211 or 41-1a-1303.5, a person may not drive or move, or an owner may not knowingly permit to be driven or moved upon any highway any vehicle of a type required to be registered in this state:

- (1) that is not properly registered or for which a certificate of title has not been issued or applied for; or
- (2) for which the required fee has not been paid.

Amended by Chapter 245, 2013 General Session

41-1a-1303.5. Driving without registration or certificate of title -- Class B misdemeanor.

(1) (a) A violation of Subsection 41-1a-202(3), related to registration of vehicles after establishing residency, is a class B misdemeanor and, except as provided in Subsection (1)(b), has a minimum fine of \$1,000.

(b) A court may not dismiss an action brought for a violation of Subsection 41-1a-202(3) merely because the defendant has obtained the appropriate registration subsequent to violating the section. The court may, however, reduce the fine to \$200 if the violator presents evidence at the time of the hearing that:

- (i) the vehicle is currently registered properly; and
- (ii) the violation has not existed for more than one year.

(2) A court may require proof of proper motor vehicle registration as part of any sentence imposed under this section.

Enacted by Chapter 245, 2013 General Session

41-1a-1304. Operating motor vehicle, trailer, or semitrailer in excess of registered gross laden weight -- Class C misdemeanor.

It is a class C misdemeanor for a person to operate, or cause to be operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross laden weight of which is in excess of the gross laden weight for which the motor vehicle, trailer, or semitrailer, or combination of vehicles is registered.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1305. License plate and registration card violations -- Class C misdemeanor.

It is a class C misdemeanor:

- (1) to break, injure, interfere with, or remove from any vehicle any seal, lock, or device on it for holding or displaying any license plate or registration card attached for

denoting registration and identity of the vehicle;

(2) to remove from any registered vehicle the license plate or registration card issued or attached to it for its registration;

(3) to place or display any license plate or registration card upon any other vehicle than the one for which it was issued by the division;

(4) to use or permit the use or display of any license plate, registration card, or permit upon or in the operation of any vehicle other than that for which it was issued;

(5) to operate upon any highway of this state any vehicle required by law to be registered without having the license plate or plates securely attached, and the registration card issued by the division carried in the vehicle, except that the registration card issued by the division to all trailers and semitrailers shall be carried in the towing vehicle;

(6) for any weighmaster to knowingly make any false entry in his record of weights of vehicles subject to registration or to knowingly report to the commission or division any false information regarding the weights;

(7) for any inspector, officer, agent, employee, or other person performing any of the functions required for the registration or operation of vehicles subject to registration, to do, permit, cause, connive at, or permit to be done any act with the intent, or knowledge that the probable effect of the act would be to injure any person, deprive him of his property, or to injure or defraud the state with respect to its revenues relating to title or registration of vehicles;

(8) for any person to combine or conspire with another to do, attempt to do, or cause or allow any of the acts in this chapter classified as a misdemeanor;

(9) to operate any motor vehicle with a camper mounted on it upon any highway without displaying a current decal in clear sight upon the rear of the camper, issued by the county assessor of the county in which the camper has situs for taxation;

(10) to manufacture, use, display, or sell any facsimile or reproduction of any license plate issued by the division or any article that would appear to be a substitute for a license plate; or

(11) to fail to return to the division any registration card, license plate or plates, decal, permit, or title that has been canceled, suspended, voided, or revoked.

Renumbered and Amended by Chapter 1, 1992 General Session

**41-1a-1306. Abuse of persons with disabilities parking privileges --
Revocation of special plate or transferable ID card -- Fine.**

(1) A person with a disability who abuses the rights and privileges conferred under Section 41-1a-414 or allows an individual who is not a person with a disability to use those parking privileges may have the person's disability special group license plate, temporary removable windshield placard, or removable windshield placard revoked by the division.

(2) (a) Except as provided in Subsection (2)(b), a person who violates Section 41-1a-414 shall pay a minimum fine of \$125.

(b) A court may waive up to \$100 of the fine charged to a person for a violation of Section 41-1a-414 under Subsection (2)(a) if the operator of the vehicle presents evidence to the court that the individual had been issued a disability special group

license plate, temporary removable windshield placard, or removable windshield placard at the time of the violation.

Amended by Chapter 30, 2014 General Session

41-1a-1307. Operation of motor vehicles, trailers, or semitrailers without payment of fees -- Class C misdemeanor.

(1) It is a class C misdemeanor for a person to operate a motor vehicle, trailer, or semitrailer upon the highways without having paid the title and registration or transfer fees and taxes required by law.

(2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer operated in violation of this section shall pay a penalty equal to title and registration fees in addition to any other fee required under this chapter.

(3) A court may require proof of proper vehicle registration as part of any sentence imposed under this section.

Amended by Chapter 56, 2002 General Session

41-1a-1309. Boarding with intent to commit injury to motor vehicle, trailer, or semitrailer -- Class C misdemeanor.

It is a class C misdemeanor for a person with intent to commit any criminal mischief, injury, or other crime to:

(1) climb into or upon a motor vehicle, trailer, or semitrailer, whether it is in motion or at rest;

(2) attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a motor vehicle, trailer, or semitrailer while the same is at rest and unattended; or

(3) set in motion any motor vehicle, trailer, or semitrailer while the same is at rest and unattended.

Amended by Chapter 229, 2007 General Session

41-1a-1310. Class B misdemeanors.

It is a class B misdemeanor for any person to:

(1) fail to properly endorse and deliver a valid certificate of title to a vehicle, vessel, or outboard motor to a transferee or owner lawfully entitled to it in accordance with Section 41-1a-702, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709;

(2) fail to give an odometer disclosure statement to the transferee as required by Section 41-1a-902;

(3) operate, or cause to be operated, a motor vehicle knowing that the odometer is disconnected or nonfunctional, except while moving the motor vehicle to a place of repair;

(4) offer for sale, sell, use, or install on any part of a motor vehicle or on an odometer in a motor vehicle any device that causes the odometer to register miles or kilometers other than the true miles or kilometers driven as registered by the odometer

within the manufacturer's designed tolerance;

(5) fail to adjust an odometer or affix a notice as required by Section 41-1a-906 regarding the adjustment;

(6) remove, alter, or cause to be removed or altered any notice of adjustment affixed to a motor vehicle as required by Section 41-1a-906;

(7) fail to record the odometer reading on the certificate of title at the time of transfer; or

(8) accept or give an incomplete odometer statement when an odometer statement is required under Section 41-1a-902.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

41-1a-1313. Third degree felony to possess motor vehicle, trailer, semitrailer, or parts without identification number -- Presumption of knowledge.

(1) It is a third degree felony for a person to have in his possession any motor vehicle, trailer, or semitrailer, or any part or parts of a motor vehicle, trailer, or semitrailer, from which any identification number has been removed, defaced, destroyed, obliterated, or so covered as to be concealed, or where the identification number has been altered or changed in any manner.

(2) A person having possession of any motor vehicle, trailer, or semitrailer or part of them under this section is presumed prima facie to have knowledge of this condition.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1314. Unauthorized control for extended time.

(1) Except as provided in Subsection (3), it is a class A misdemeanor for a person to exercise unauthorized control over a motor vehicle that is not his own, without the consent of the owner or lawful custodian, and with the intent to temporarily deprive the owner or lawful custodian of possession of the motor vehicle.

(2) The consent of the owner or legal custodian of a motor vehicle to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the motor vehicle by the same or a different person.

(3) Violation of this section is a third degree felony if:

(a) the person does not return the motor vehicle to the owner or lawful custodian within 24 hours after the exercise of unlawful control; or

(b) regardless of the mental state or conduct of the person committing the offense:

(i) the motor vehicle is damaged in an amount of \$500 or more;

(ii) the motor vehicle is used to commit a felony; or

(iii) the motor vehicle is damaged in any amount to facilitate entry into it or its operation.

(4) It is not a defense to Subsection (3)(a) that someone other than the person, or an agent of the person, returned the motor vehicle within 24 hours.

(5) A violation of this section is a lesser included offense of theft under Section 76-6-404, when the theft is of an operable motor vehicle under Subsection 76-6-412(1)(a)(ii).

Amended by Chapter 71, 2005 General Session

41-1a-1315. Third degree felony -- False evidences of title and registration.

It is a third degree felony for a person with respect to a motor vehicle, trailer, or semitrailer to:

- (1) fraudulently use a false or fictitious name in an application for registration, a certificate of title, or for a duplicate certificate of title;
- (2) knowingly make a false statement or knowingly conceal a material fact in an application under this chapter;
- (3) otherwise commit a fraud in an application under this chapter;
- (4) alter with fraudulent intent a certificate of title, registration card, license plate, or permit issued by the division;
- (5) forge or counterfeit a document or license plate purporting to have been issued by the division;
- (6) alter, falsify, or forge an assignment upon a certificate of title;
- (7) hold or use a document or license plate under this chapter knowing it has been altered, forged, or falsified; or
- (8) file an application for a certificate of title providing false lien information, when the person named on the application as lienholder does not hold a valid security interest.

Amended by Chapter 259, 2009 General Session

41-1a-1316. Receiving or transferring stolen motor vehicle, trailer, or semitrailer -- Penalty.

It is a second degree felony for a person:

- (1) with intent to procure or pass title to a motor vehicle, trailer, or semitrailer that he knows or has reason to believe has been stolen or unlawfully taken to receive or transfer possession of the motor vehicle, trailer, or semitrailer from or to another; or
- (2) to have in his possession any motor vehicle, trailer, or semitrailer that he knows or has reason to believe has been stolen or unlawfully taken if he is not a peace officer engaged at the time in the performance of his duty.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1317. Selling or buying without identification numbers -- Penalty.

It is a second degree felony for a person to knowingly buy, receive, dispose of, sell, offer for sale, or have in his possession any motor vehicle, trailer, semitrailer, or engine removed from a motor vehicle, from which the identification number has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the motor vehicle or engine.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1318. Second degree felony -- Fraudulent alteration of identification number.

- (1) It is a second degree felony for a person with fraudulent intent to:
- (a) deface, destroy, or alter the identification number or state assigned identification number of a motor vehicle, trailer, or semitrailer;
 - (b) place or stamp, without authority by the division, something other than the original identification or state assigned identification number upon a motor vehicle, trailer, or semitrailer; or
 - (c) sell or offer for sale a motor vehicle, trailer, or semitrailer bearing an altered or defaced identification or state assigned identification number other than the original or the state assigned identification number.
- (2) This section does not prevent any manufacturer, importer, or any agent, other than a dealer, from placing or stamping in the ordinary course of business numbers on motor vehicles, trailers, or semitrailers registered under this chapter.
- (3) This section does not prohibit the restoration by an owner of an original identification number when the restoration is made under permit issued by the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1319. Third degree felony -- Odometer violation.

- It is a third degree felony for a person, with intent to defraud, to:
- (1) disconnect, turn back, replace, or reset or cause to be disconnected, turned back, replaced, or reset, the odometer of any motor vehicle with the intent to reduce the true number of miles or kilometers indicated on it;
 - (2) knowingly sell, transfer, or exchange, or cause to be sold, transferred, or exchanged without the disclosure required by Section 41-1a-902, any motor vehicle on which the odometer has been disconnected, turned back, replaced, or reset; or
 - (3) give or cause to be given a false odometer mileage disclosure statement when an odometer statement is required by Section 41-1a-902.

Enacted by Chapter 1, 1992 General Session

41-1a-1320. Tax clearance required to move manufactured home or mobile home.

- (1) A manufactured home or mobile home may not be transported by any person, including its owner, unless a tax clearance has been obtained from the assessor or, if the responsibility to provide a tax clearance has been reassigned under Section 17-16-5.5, the treasurer of the county in which the real property upon which the manufactured home or mobile home was last located showing that all property taxes, including any interest and penalties, have been paid.
- (2) The tax clearance described in Subsection (1):
 - (a) is proof of having paid all property taxes, interest, and penalties; and
 - (b) shall be displayed in a conspicuous place on the rear of the manufactured home or mobile home so as to be plainly visible while in transit.

(3) (a) Any person, including the owner, who transports a manufactured home or mobile home without a valid tax clearance is:

- (i) in violation of Section 59-2-309; and
- (ii) subject to the penalty provisions of Section 59-2-309.

(b) In addition to the penalty provided in Subsection (3)(a), any commercial mover who transports any manufactured home or mobile home without a valid tax clearance is guilty of a class B misdemeanor.

Amended by Chapter 39, 2006 General Session

41-1a-1401. Report of stolen and recovered vehicles, vessels, and outboard motors by officials.

(1) (a) A peace officer, upon receiving reliable information that a vehicle, vessel, or outboard motor has been stolen, shall immediately report the theft to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.

(b) An officer, upon receiving information that a vehicle, vessel, or outboard motor, which he has previously reported as stolen, has been recovered, shall immediately report the recovery to the local law enforcement agency and to the Criminal Investigations and Technical Services Division.

(2) A report of a stolen vehicle, vessel, or outboard motor taken by a law enforcement agency shall include a written advisement to the reporting party of the provisions of Section 76-8-506, and a statement affirming the theft of the vehicle, vessel, or outboard motor signed by the person reporting the theft and witnessed by the person taking the report.

(3) The following information regarding the vehicle, vessel, or outboard motor shall be included in the report and shall be sent to the Criminal Investigations and Technical Services Division:

- (a) the registered owner;
- (b) the person reporting the theft;
- (c) the year, make, model, and color;
- (d) the identification number;
- (e) the estimated present value;
- (f) the license number and state of registration;
- (g) the date, time, and place of the theft; and
- (h) the name, address, telephone number, policy number, and agent's name of the insurance company insuring the vehicle, vessel, or outboard motor.

(4) If a member of any law enforcement agency confirms that a stolen vehicle, vessel, or outboard motor has been recovered, he shall send the following information regarding the recovered vehicle, vessel, or outboard motor to the Criminal Investigations and Technical Services Division:

- (a) the date, time, and place of recovery;
- (b) the condition of the vehicle, vessel, or outboard motor; and
- (c) the names of peace officers and any other persons involved in the recovery.

(5) (a) Upon receipt of a report of a stolen vehicle, vessel, or outboard motor, the Criminal Investigations and Technical Services Division shall place a notice of theft

in the master file computer.

(b) Upon receipt of a report that a stolen vehicle, vessel, or outboard motor has been recovered, the Criminal Investigations and Technical Services Division shall remove the notice of theft of the vehicle, vessel, or outboard motor from the master file computer.

(6) (a) Except as provided in Section 41-1a-1005, the division shall refuse to register or transfer title to a stolen vehicle until the vehicle is recovered.

(b) (i) If the recovered vehicle is a salvage vehicle as defined in Section 41-1a-1001, then Title 41, Chapter 1a, Part 10, Salvage Vehicles - Junk and Dismantled Vehicles, applies.

(ii) The division may issue an unbranded certificate of title for a recovered vehicle if the vehicle has not suffered major damage in more than one major component part.

Amended by Chapter 263, 1998 General Session

41-1a-1402. Report by owners or lienholders of thefts and recoveries.

(1) (a) The owner, or person having a lien or encumbrance upon a vehicle, vessel, or outboard motor that has been stolen, may notify the law enforcement agency having jurisdiction where the theft occurred.

(b) In the event of an embezzlement the owner or person may make a report only after having procured the issuance of a warrant for the arrest of the person charged with embezzlement.

(2) (a) If a vehicle, vessel, or outboard motor is recovered, an owner or other person who has given any notice under Subsection (1) shall notify the law enforcement agency where the theft or embezzlement was reported.

(b) The law enforcement agency shall notify the Criminal Investigations and Technical Services Division, established in Section 53-10-103, of recovery.

Amended by Chapter 263, 1998 General Session

41-1a-1501. Title.

This part is known as the "Motor Vehicle Event Data Recorder Act."

Enacted by Chapter 189, 2013 General Session

41-1a-1502. Definitions.

As used in this part:

(1) (a) "Event data" means records of one or more of the following categories of information regarding a motor vehicle that are captured by an event data recorder:

(i) whether the vehicle's air bag deployed;

(ii) vehicle speed;

(iii) vehicle steering performance;

(iv) vehicle brake performance or use; or

(v) vehicle seatbelt status or use.

(b) "Event data" does not include audio and video data.

(2) "Event data recorder" has the same meaning as defined in 49 C.F.R. Sec. 563.5 as in effect on May 14, 2013.

(3) (a) "Owner" means:

(i) a person having all the incidents of ownership of a motor vehicle, including legal title to the motor vehicle;

(ii) a person entitled to possession of a motor vehicle as the purchaser under a security agreement; or

(iii) a person entitled to possession of a motor vehicle as a lessee under a written lease agreement if the lease agreement is intended to last for more than three months at its inception.

(b) "Owner" does not include a lienholder unless the lienholder gains possession of the motor vehicle because the person entitled to possession of a motor vehicle as the purchaser under a security agreement defaults on the loan.

Enacted by Chapter 189, 2013 General Session

41-1a-1503. Event data recorders -- Retrieval or disclosure of event data.

(1) (a) Event data that is recorded on an event data recorder:

(i) is private;

(ii) is the personal information of the motor vehicle's owner; and

(iii) except as provided in Subsection (2), may not be retrieved by a person who is not the owner of the motor vehicle.

(b) If a motor vehicle is owned by more than one person, only one owner is required to consent to the retrieval or use of the data from a motor vehicle event data recorder.

(2) Event data that is recorded on an event data recorder may be retrieved, obtained, or used by a person who is not the owner of the motor vehicle in the following circumstances:

(a) the owner of the motor vehicle or the owner's agent has consented to the retrieval of the data;

(b) the data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an automotive technician to diagnose, service, or repair the motor vehicle at the request of the owner or the owner's agent;

(c) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;

(d) a court or administrative agency having jurisdiction orders the data to be retrieved;

(e) a peace officer retrieves the data pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or

(f) to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications.

(3) Except as provided in Subsection (4), a person who has retrieved, obtained,

or used event data under Subsection (2) may not release event data that is recorded on an event data recorder.

(4) A person may release event data that is recorded on an event data recorder in the following circumstances:

(a) the owner of the motor vehicle or the owner's agent has consented to the release of the data;

(b) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;

(c) the data is released pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or

(d) if the identity of the owner or driver is not disclosed, the data is released to a motor vehicle safety and medical research entity or data processor in order to advance motor vehicle safety, security, or traffic management.

(5) (a) If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting event data and that capability is part of a subscription service, the fact that the event data may be recorded or transmitted shall be disclosed in the subscription service agreement.

(b) Notwithstanding the provisions of this section, event data from an event data recorder may be retrieved, obtained, and used by a subscription service provider for subscription services meeting the requirement of Subsection (5)(a).

Enacted by Chapter 189, 2013 General Session

41-1a-1504. Effect of ownership transfer on ownership of data.

(1) Event data on a motor vehicle event data recorder does not become the property of:

(a) an insurer solely because the insurer succeeds in ownership of a motor vehicle as a result of an accident; or

(b) a subsequent purchaser solely because the subsequent purchaser becomes the new owner of the motor vehicle.

(2) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval or use of the data on a motor vehicle event data recorder as a condition of providing the policy or lease.

Enacted by Chapter 189, 2013 General Session